

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6910 of 2021

M.Muniyappa

... Petitioner

-vs-

1. The State of Tamil Nadu Rep. by its Secretary,
Animal Husbandry, Dairying & Fisheries Department
Fort St. George, Chennai- 600 009.

2. The Commissioner of Animal Husbandry,
DMS Compound, Chennai- 600 006.

3. The Assistant Director of Animal Husbandry,
Hosur, Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider and pass orders on the representation dated 10.11.2020, seeking extension of legitimate annual increments from the date of initial appointment and for appropriate revised fixation thereto as he had been granted and extended to other similarly situated persons vide G.O.3(D) No.15 dated 05.12.2019 and G.O.(3D) No.01 Animal Husbandry, Dairying & Fisheries (Tha pa 6) Department dated 13.01.2020 on merits within a time to be stipulated by this Court.

For Petitioner : Mr.N.R.Jasmine Padma

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

ORDER

This Writ petition is filed seeking direction to the respondents 1 to 3 to consider and pass orders on the representation dated 10.11.2020, seeking extension of legitimate annual increments from the date of initial appointment and for appropriate revised fixation thereto as he had been granted and extended to other similarly situated persons vide G.O.3(D) No.15 dated 05.12.2019 and G.O.(3D) No.01 Animal Husbandry, Dairying & Fisheries (Tha pa 6) Department dated 13.01.2020.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. It is the case of the petitioner that he was initially appointed as casual labourer on 07.08.1983 and joined as Animal Husbandary Assistant on 01.03.2000. Based on the policy decision of the Government, his services were regularized as per G.O.Ms.No.117 dated 28.08.2008. Thereafter, the petitioner attained the age of superannuation on 31.10.2019. It is further stated that pursuant to the order made in W.P.No.10974/2009 dated 14.08.2018, which stood affirmed by the Division Bench of this Court in W.A.No.2126/2019 dated 19.08.2019, orders have been issued by the Government for grant of retrospective regularization and grant of annual increments and the said orders have been implemented only so far as the petitioners therein are concerned and hence the petitioner made a representation to the respondents on 10.11.2020, seeking annual increments consequent upon regularization of their services between 2000 & 2001. As the same did not evoke any response, the petitioner has come forward with the aforesaid relief.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondent concerned to consider the representation preferred by the petitioner dated 10.11.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondent concerned shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 10.11.2020 and this order, to the respondent concerned forthwith;

v) The concerned respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

ARR

To

1. The Secretary,
Animal Husbandry, Dairying & Fisheries Department
Fort St.George, Chennai-600 009.
2. The Commissioner of Animal Husbandry,
DMS Compound, Chennai- 600 006.
3. The Assistant Director of Animal Husbandry,
Hosur, Krishnagiri District.

+lcc to Mr.L.Chandrakumar, Advocate, S.R.No. 17171

+lcc to the Government Pleader, S.R.No. 17314

W.P.No.6910 of 2021

SSN(CO)
TE(16/04/2021)