

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6958 of 2021

A.Selvaraj

... Petitioner

-vs-

1.The Secretary to Government,
Revenue & Disaster Management,
Secretariat, Chennai-600 009.

2. The Revenue Administrative Commissioner,
O/o the Revenue Administrative Commissioner,
Chepauk, Chennai- 600 005.

3. The District Collector,
O/o. the District Collector,
Namakkal 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 to consider the petitioner's representation on 08.03.2017 on merits.

For Petitioner : Mr. G.Munuraj

For Respondents: Mr.P.Karthikeyan
Additional Government Pleader

O R D E R

This Writ petition is filed seeking direction to the respondents to consider the petitioner's representation on 08.03.2017 on merits.

2. Mr.P.Karthikeyan, 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 the panel proposal was called by the third respondent for promotion to the post of Deputy Tahsildar to Tahsildar and the petitioner's name was not mentioned in the list, due to the fact that the punishment of stoppage of increment for one year, without cumulative effect is pending against him. Aggrieved over the same, the petitioner

filed an appeal before the appellate forum and the appeal was considered by reducing the punishment from one year to six months. Thereafter, the petitioner filed revision before the concerned forum and the revisional authority cancelled the punishment. It is further stated that the punishment order which was affected in the year 2013, was quashed by the second respondent and therefore he is eligible to be considered for promotion in the year 2012 itself. In this regard, the petitioner submitted a representation to the second respondent on 08.03.2017. Since the same did not evoke any response, the petitioner has filed this Writ petition for 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 second respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the second respondent to consider the representation preferred by the petitioner dated 08.03.2017, 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 second respondent 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 08.03.2017 to the second respondent and this order, to the respondent concerned forthwith;

v) The second 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-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Revenue & Disaster Management,
Secretariat, Chennai- 600 009.
2. The Revenue Administrative Commissioner,
O/o. the Revenue Administrative Commissioner,
Chepauk, Chennai- 600 005.
3. The District Collector,
O/o. the District Collector,
Namakkal District.

+1 cc to Mr.G.Munuraj, Advocate Sr No.17121

W.P.No.6958 of 2021

GPL(CO)

RG.22.04.2021(3P/5C)

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