

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7768 of 2021 and

WMP No.8302 of 2021

P.Rameshkumar

... Petitioner

-vs-

1. The Government of Tamilnadu,
Rep. by its Principal Secretary of Government,
Finance (Pay Cell) Department,
Fort St.George fort,
Chennai - 600 009.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.
4. The Tashildar,
Harur Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to grant a higher qualification benefits as per G.O.(MS) No.116 , Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020 and consequently direct the 4th respondent to take necessary action against the petitioner representation dated 09.08.2019.

For Petitioner : Mr.C.Palanisamy

For Respondents: Mr.P.V.Selvakumar,
Additional Government Pleader

ORDER

This Writ petition is filed, seeking a direction to the respondents to grant a higher qualification benefits as per G.O. (MS) No.116 , Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020 and consequently direct the 4th respondent to take necessary action against the petitioner representation, dated 09.08.2019.

2. Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. According to the petitioner, he was appointed as a Village Administrative officer on 24.12.2014 and at the time of appointment, he has completed PG Degree. Hence, he made a representation dated 09.08.2019 before the 4th respondent regarding increment for acquiring higher qualification in the light of G.O.Ms.No.116, Personnel administrative (FR-IV) Department, dated 15.10.2020. As there was no response on the representation, the petitioner is before this Court by filing the present Writ petition.

4. Considering the facts and circumstances of the case and taking into account the representation of the petitioner is pending with the respondents for more than a year, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioner dated 09.08.2019 in the light of the Government Order made in G.O.Ms.No.116, Personnel administrative (FR-IV) Department, dated 15.10.2020, if it is applicable to the facts of the case, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner herein, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, 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 respondents 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 09.08.2019 and this order, to the respondents forthwith;

v) The respondents are 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum
To

1. The Principal Secretary of Government,
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+1 cc to Government Pleader, SR.No.19716

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JPII (CO)
NS (11/05/2021)

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