

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7403 of 2015

Adilakshmi

... Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

2.The President,
Appointment Committee,
Rippon Buildings,
Chennai - 600 003.

3.The Secretary Government,
Municipal Administration,
Water Supply Department,
Fort St.George,
Chennai - 600 009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to dispose the petitioner appeal representation dated 08.12.2014 and to considered.

For Petitioner : Mr.N.Beulah John Selvaraj

For R1 : Ms.Karthika Ashok

For R2 & R3 : Mr.J.Ramesh, AGP

ORDER

The relief sought for in this writ petition is to direct the respondents to dispose of the representation dated 08.12.2014 submitted by the petitioner.

2. According to the petitioner, her husband by name Purushothaman was employed as a Sweeper in the respondent Corporation. On 23.04.2002, he was issued with a charge memo for the alleged misconduct committed by him. On receipt of the same, he filed his reply. Being not satisfied with the same, enquiry was conducted by appointing an Enquiry Officer and issuing notice to the petitioner, which was not served on him. Subsequently, an exparte enquiry was conducted and a report was filed, based on which he was dismissed from service. Aggrieved against the same, the petitioner's husband filed an appeal before the second respondent on 09.09.2009. During the pendency of the same, he died on 02.03.2011. Consequently, the petitioner filed a representation dated 08.12.2014 to the second respondent requesting to dispose of the appeal filed by her husband. Finding no response on the same, the present writ petition came to be filed.

3. Upon notice, a detailed counter affidavit was filed by the first respondent, wherein, it is inter alia stated that the despite sufficient opportunity, the petitioner's husband did not turn up for enquiry which compelled the Enquiry Officer to file a report stating the charges as proved; and based on the same, the petitioner's husband was dismissed from service. It is also stated that the petitioner's husband did not submit any appeal before the competent authority within the stipulated time, but he sent a letter to the Commissioner on 28.08.2009 and hence, the request of the petitioner cannot be considered.

4. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 & 3 and also perused the materials available on record.

5. Considering the facts and circumstances of this case and having regard to the submissions made by the learned counsel on either side, this Court in the interest of justice, directs the petitioner to file an appeal in a proper format to the second respondent/Appointment Committee, within a period of two weeks from the date of receipt of a copy of this order. On filing such an appeal, the second respondent shall entertain the same without raising any issue with respect to limitation aspect and dispose of the same on merits, after granting opportunity of hearing to the petitioner within a period of six (6) weeks thereafter.

6.This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mtl

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

2.The President,
Appointment Committee,
Rippon Buildings,
Chennai - 600 003.

3.The Secretary Government,
Municipal Administration,
Water Supply Department,
Fort St.George,
Chennai - 600 009.

+1cc to Mr.KARTHIKA ASHOK, Advocate, S.R.No.12459

+1cc to Mr.N. BEULAH JOHNSELVARAJ Advocate, S.R.No.12142

+1cc to the Government Pleader, Highcourt, Madras, S.R.No.12798

VBA(CO)
SM/03/03/2021

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