

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.11859 of 2020

Amaladoss

... Petitioner

-vs-

1. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 005.

2. The Senior Regional Manager,
Coimbaore Region,
Senior Regional Manager Office,
Tamil Nadu Civil Supplies Corporation,
Coimbatore - 641 030.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioner's representation dated 12.03.2020 and pass appropriate order within a time period fixed by this Court, on the basis of the proceedings in Se.Mu.Aa.No.E4/8941/2021 of the 2nd respondent dated 10.01.2013.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents: Mr.R.Balaramesh
Special Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the 1st and 2nd respondents to consider the petitioner's representation dated 12.03.2020 and pass appropriate order within a time period fixed by this Court, on the basis of the proceedings in Se.Mu.Aa.No.E4/8941/2021 of the 2nd respondent dated 10.01.2013.

2. Mr.R.Balaramesh, Special 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, who is an employee of the respondent Corporation, that, he sent a representation on 12.03.2020 to the respondents for grant of all monetary benefits on par with other regularized persons working in the respondent

Corporation. Since no action has been taken on his representation, the petitioner has approached this Court by filing the present Writ petition.

4. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondents to consider the representation of the petitioner dated 12.03.2020 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to all parties concerned, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the 1st respondent either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the 1st respondent to pass orders on the mercy petition based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 12.03.2020 and this order, to the respondent concerned forthwith. The respondent concerned 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 parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

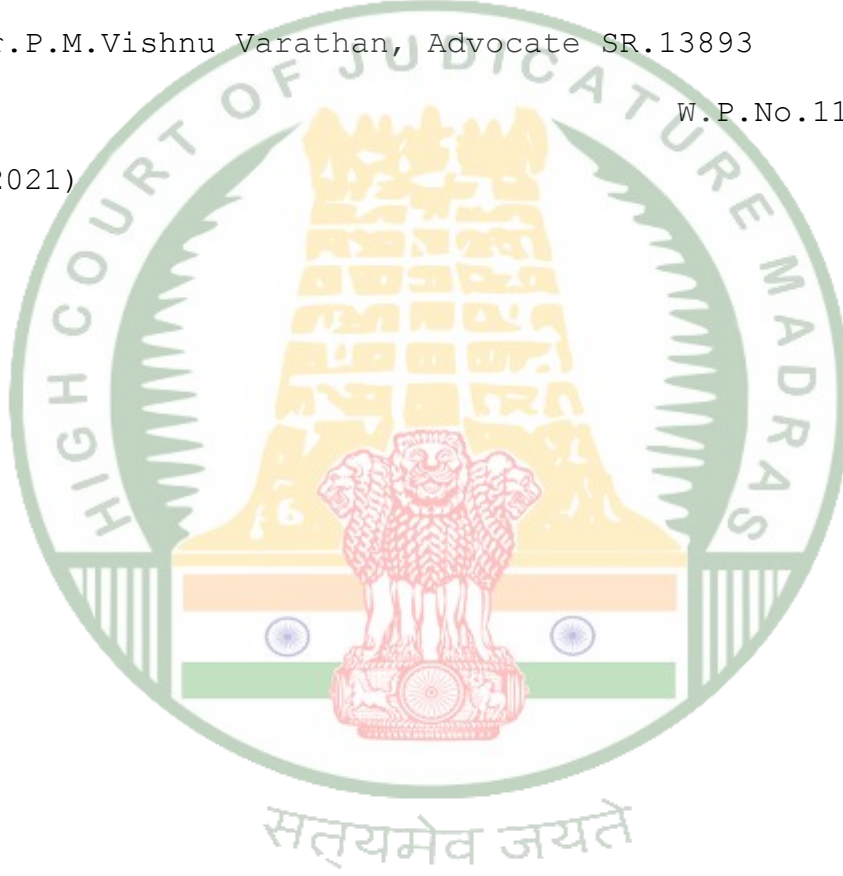
To

1. The General Manager (Administration),
Tamil Nadu Civil Supplies Corporation,
Kilpauk, Chennai - 600 005.
2. The Senior Regional Manager,
Coimbaore Region,
Senior Regional Manager Office,
Tamil Nadu Civil Supplies Corporation,
Coimbatore - 641 030.

+1cc to Mr.P.M.Vishnu Varathan, Advocate SR.13893

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SMI (CO)
CB(23/03/2021)



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