

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20075 of 2020

(Heard through VC)

P.Kadirvel

.. Petitioner

-vs-

1.The Director of Treasuries and Accounts,
Chennai - 600 035.

2.The Treasury Officer,
District Treasury,
Dharmapuri - 636 701.

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent herein to reject the report of the second respondent in his Na.Ka.No.10401/2018/A1 dated 01.10.2020 and pass orders on the representation of the petitioner dated 16.10.2020 regarding grant of Selection and Special Grade in the post of Junior Assistant-cum-Cashier and all consequential service and monetary benefits as claimed by the petitioner in his representation dated 16.10.2020 and pass appropriate orders on merits a limited time frame, after calling for the connected records from the 2nd respondent and examine the same and by giving an opportunity of personal hearing to the petitioner herein.

For Petitioner : Mr.D.Baskar

For Respondents : Mr.J.Pothiraj
Special Government Pleader

O R D E R

The writ petition has been filed directing the first respondent herein to reject the report of the second respondent in Na.Ka.No.10401/2018/A1 dated 01.10.2020 and pass orders on the representation of the petitioner dated 16.10.2020 regarding grant of Selection and Special Grade in the post of Junior Assistant-cum-Cashier and all consequential service and monetary benefits as claimed by the petitioner in his representation dated 16.10.2020 and pass appropriate orders on merits after calling for the connected records from the 2nd respondent and examine the same and by giving an opportunity of personal hearing to the petitioner herein.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner he was appointed as Cashier in the Treasuries and Accounts Department and posted to the Sub Treasury, Uthangarai on 11.05.1973. Thereafter, he was promoted as Accountant with effect from 26.05.1983. The Selection Grade in the post of Accountant was granted to him with effect from 22.06.1993 instead of from 26.05.1993. The petitioner became eligible for Special Grade in the post of Accountant on completion of 20 years of service on 26.05.2003, but the Special Grade was not granted to him, in spite of his repeated representations. Then he was promoted as Superintendent on 31.07.2006 on attaining the age of superannuation. Hence, the petitioner has made representations dated 16.08.2018 and 14.09.2018 to the first respondent, who in turn, has called for report from the second respondent on his representation. The second respondent submitted a report in letter No.Na.Ka.No.10401/2018/41 dated 01.10.2020. Aggrieved by the said order, the petitioner has submitted a detailed representation dated 16.10.2020 to the first respondent requesting to modify the date of Selection Grade in the post of Accountant from 22.06.1993 to 26.05.1993 and on that basis to grant Special Grade Accountant's post and fix his pay in the promoted post of Superintendent and consequently revise his pensionary benefits. But his claim has not been considered by the respondents. Hence, this petition.

5. The learned counsel appearing for the petitioner submitted that it would suffice, if the said representation made by the petitioner is directed to be considered by the respondents, on merits.

6. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the first respondent herein to consider the representation of the petitioner dated 16.10.2020, if not already considered and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and others, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of sixty (60) days from the date of receipt of a copy of this order.

7. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 16.10.2020 and this order, to the respondents forthwith. 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 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.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The Director of Treasuries and Accounts,
Chennai - 600 035.

2.The Treasury Officer,
District Treasury,
Dharmapuri - 636 701.

+lcc to Mr.R.Thamaraiselvan, Advocate, S.R.No. 9689

+lcc to the Government Pleader, S.R.No. 9524

W.P.No.20075 of 2020

JP II(CO)
GN(16/03/2021)

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