



W.P.No.27701 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27701 of 2018

G.Mariappan

...Petitioner

Vs.

1.The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai – 600 057.

2.The Deputy Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

3.The Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

4.The Deputy Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioner's representation dated 01.12.2017 on merits and in accordance with the law within the time frame as may be fixed by this Court.

For Petitioner	: M/s.Kamatchi Sundhari for M/s.Law Square
For Respondents	: M/s.Madhuri Donti Reddy

ORDER

The relief sought for in the present writ petition is to direct the first and second respondents to consider representation submitted by the writ petitioner on 01.12.2017 and pass order.

2.The petitioner states that he was appointed as Mazdoor on 26.11.1991 in the Civil Engineering Department of the Chennai Port Trust. On the ground of certain family circumstances, the petitioner proceeded on



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leave and thereafter, not reported for duty. The petitioner narrates various family circumstances that forced him to remain unauthorizedly absent. The petitioner was removed from service on 18.03.2010. Against the order of removal, the petitioner sent a representation to the authorities on 01.12.2017, after a lapse of about seven years from the date of removal from service.

3. An appeal against the order of removal is to be submitted within the period of limitation contemplated under the appeal rules. Even in respect of the appeals filed belatedly the authorities competent has to consider the reasons for such delay and if it is acceptable, then entertain the appeal and decide the issues on merits and in accordance with law. However, in respect of the appeal filed after seven years from the date of removal from service, this Court cannot issue a direction to consider and pass orders on merits and in accordance with law. Thus, the respondents are at liberty to consider the grounds for condoning the delay if any stated by the writ petitioner and if the delay is condoned, then the issues are to be decided on merits and in



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accordance with law. Thus, it is for the authorities to take a decision with reference to the facts and circumstances as narrated by the petitioner.

4. With this observation, this writ petition stands disposed of. No

Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 057.

2. The Deputy Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

3. The Chief Engineer,
Civil Engineering Department,



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Chennai Port Trust,
No.1, Rajaji Salai,
Chennai – 600 001.

4.The Deputy Chief Engineer,
Civil Engineering Department,
Chennai Port Trust,
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Chennai – 600 001.



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S.M.SUBRAMANIAM, J.

SSR

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