



WEB COPY



W.P. No. 4422 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 4422 of 2020
and
W.M.P. No. 5229 of 2020**

1. M.Duraikannu (Died)

2. V.Lalitha

3. D.Vijayakumar
(P2 & P3 impleaded vide order dated
05.04.2023 in W.M.P. No. 22501 of 2022)

... Petitioners

-VS-

1. The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Nagapattinam Region.

2. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No. 12, Thambusamy Street,
Kilpauk, Chennai – 600010.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, to direct the Respondents to regularize the service of the Petitioner from the date of joining i.e., 28.08.1985 to 28.02.2013 for 29 years.



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For Petitioners : Mr. R.Karunakaran
For Respondents : Mr. Silambanan,
Additional Advocate General
Assisted by
Mr. P.Senthilkumar

ORDER

Heard R.Karunakaran, Learned Counsel for the Petitioner and Mr. Silambanan, Learned Additional Advocate General appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Since the Original Petitioner died on 05.03.2021 after the filing of the Writ Petition, his wife and son, viz., V.Lalitha and D.Vijayakumar respectively, have been substituted as the Petitioners in the Writ Petition in his place by order dated 05.04.2022 in W.M.P. No. 22501 of 2022 passed by the Court.

3. The grievance ventilated by the Original Petitioner is that he had made a representation dated 22.08.2019 to regularize his service from the date of joining i.e., 28.08.1985 to 28.02.2013 for 29 years, but as it did not evoke any response, he has filed this Writ Petition.



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4. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 22.08.2019 made by the Original Petitioner including ascertaining as to whether the Original Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioners requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioners to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 31.08.2023 before the Registrar (Judicial) of this Court.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

05.04.2023

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Index: Yes/No

Note: Issue order copy by 06.06.2023.

To

1. The Senior Regional Manager,
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Nagapattinam Region.
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P.D. AUDIKESAVALU, J.

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