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W.P.No.37012 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.37012 of 2024

Lt.Col M. Nagarajan (Rtd)

...Petitioner

Vs

1. The Public Secretary,
Public (Ex-Servicemen) Department,
Fort St,George, Chennai – 600 009.

2. The Director,
Directorate of Ex-Servicemen's Welfare
No.22, Raja MuthiahSalai,
Chennai 600 003.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first Respondent to dispose off the Appeal dated 27.06.2024 preferred as against the exparte order dated 24.05.2024 passed vide proceedings in No.1326/2023/Nir5 by the second respondent and pass appropriate orders on merits after affording opportunity to both the parties within a stipulated time and pass orders.

For Petitioner
For Respondents

: Mr.K. Venkateswaran
: Mr.Abishek Murthy
Government Advocate



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ORDER

This Writ Petition has been filed directing the first Respondent to dispose the appeal filed by the petitioner on 27.06.2024 within a stipulated time and pass orders.

2. Mr.Abishek Murthy, Government Advocate takes notice for the Respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner was working as an Assistant Director in Virudhanagar District under the second respondent. Whileso, he has taken leave for 23 months without intimating to the officers concerned. Thereafter, an enquiry was conducted and based on the report submitted by the enquiry officer the second respondent passed an exparte order on 08.08.2023 in Na.Ka.No.12366/2020/Nir3 wherein, the petitioner was dismissed from the services. Challenging the same the petitioner has preferred an appeal



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on 27.06.2024 before the first respondent and the same is pending till date. Hence this petition.

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4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the first respondent to dispose of the appeal filed by the petitioner on 27.06.2024 and pass orders.

5. The learned Government Advocate appearing for the respondents submitted that they will consider the case of the petitioner and take action in the manner known to law.

6. Considering the facts and circumstances of the case, this Court without expressing any opinion on the merits of the case directs the first respondent to dispose the appeal filed by the petitioner on 27.06.2024 after conducting an enquiry by affording reasonable opportunity of hearing to the petitioner as well as the concerned parties and pass orders within a period of sixteen weeks from the date of receipt of a copy of this Order.



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7. With the aforesaid direction, this Writ Petition stands disposed
of. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
smn

To
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2. The Director,
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V.BHAVANI SUBBAROYAN,J.

smn

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