



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 30.05.2019

CORAM:

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**

**W.P. (MD) No.12003 of 2019**

**and**

**WMP (MD) .No.9046 of 2019**

M.Gnanasekaran

... Petitioner

Vs

1. The Chief Engineer  
Agricultural Engineering Department  
No.487, Anna Salai, Nandanam  
Chennai 600 035

2. The Executive Engineer  
Agricultural Engineering Department  
No.60, Thirupparankundram Road  
Madurai 625 011

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 2<sup>nd</sup> respondent in letter No.A/1662/2015 dated 25.04.2019 and quash the same and consequently direct the respondents to appoint the petitioner as watchman in the 2<sup>nd</sup> respondent office under the category of Ex-Serviceman Schedule Caste Category.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.Aayiram K.Selvakumar


Additional Government Pleader

**ORDER**

The petitioner had earlier filed W.P(MD).No.1266 of 2016 for directing the respondents to appoint him as a watchman under Ex-Servicemen, Schedule Caste Category. The writ petition was disposed on 26.02.2019 in the following terms:

*"6. In such view of the matter, to give quietus to this issue, this writ petition stands disposed of with a direction to the respondents to pass appropriate orders with regard to the selection of the petitioner, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order. Till passing of such an order, the interim order already granted by this Court on 21.01.2016 will continue. No costs. Consequently, connected miscellaneous petitions are closed"*

<https://hcservices.courtsofgov.in/hcservices/> of the said order, the petitioner submitted his representation on 16.04.2019. It was received by the second respondent on 22.04.2019. Without giving an opportunity of personal



hearing to the petitioner, the impugned order came to be passed on 25.04.2019. On this sole ground that opportunity of personal hearing was not afforded to the petitioner, the order impugned in the writ petition is set aside and the matter is remitted to the file of the second respondent. The second respondent will issue notice to the petitioner regarding the hearing date. On the said date, the petitioner shall be present without dragging on the matter. Thereafter, the second respondent shall pass an order afresh in accordance with law. It is made clear that when the second respondent is passing the orders afresh, the order now impugned in this writ petition will not even be taken note of. The entire process shall be completed within eight weeks from the date of receipt of a copy of this order. Status quo that obtains as on date shall be maintained till the orders are passed afresh by the second respondent.

3. In the result, this Writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

sd/  
Deputy Registrar (Accounts)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Engineer  
Agricultural Engineering Department  
No.487, Anna Salai, Nandanam  
Chennai 600 035

2. The Executive Engineer  
Agricultural Engineering Department  
No.60, Thirupparankundram Road  
Madurai 625 011

+1 CC to Mr.M.SARAVANA KUMAR, Advocate ( SR-66524[F] dated 30/05/2019 )

+1 CC to SPL GP ( SR-66673[F] dated 31/05/2019 )

**W.P. (MD) No.12003 of 2019**

**and**

**WMP (MD) .No.9046 of 2019**

**30.05.2019**

msa

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