



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.10879 of 2016

A.Nagaraj ... Petitioner

Vs.

The Medical Superintendent
Employees State Insurance (E.S.I) Hospital,
Sivakasi,
Virudhungan District 626 124. ... Respondent

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to complete the disciplinary proceedings initiated against the petitioner vide proceedings in Na.Ka.430/Ni/2015 dated 03.11.2015.

For Petitioner :M/s.R.Karunanidhi

For Respondent :Mr.R.Anandharaj
Additional Government Pleader

ORDER

The petitioner herein, while working as Sanitary Worker in the ESI Hospital at Sivakasi, suffered departmental proceedings initiated under Rule 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. After, the Enquiry was over, the Report of the Enquiry Officer was submitted on 07.03.2016, for which, the petitioner sent a detailed representation on 12.06.2016, by post. There being no response thereafter from the first respondent, the petitioner has come to this Court.

2. This Court is not inclined to entertain this Writ Petition for the simple reason that it is well settled legal position that only in a case where the Statutory Authority failed to discharge its duty, this Court should interfere by issuing a writ of mandamus. In the present case, the petitioner was subjected to disciplinary proceedings and submitted his representation only on 12.06.2016. While so, without giving



breathing time to the respondent to act on his representation dated 12.06.2016, the petitioner has rushed to this Court. Therefore, this Court has no option but to dismiss the Writ Petition.

WEB COPY

3. In the result, the writ petition is dismissed. No costs. Needless to mention that, if the representation of the petitioner is not considered by the respondent within a reasonable time, it is always open for him to approach this Court for an appropriate direction.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

ssm

To

The Medical Superintendent

Employees State Insurance (E.S.I) Hospital,

Sivakasi,

Virudhunagar District 626 124.

+1CC to Mr.R.Karunanithi, Advocate Sr.No.31750

+1CC to Spl.Government Pleader Sr.No.32062

GJM/ARK/PV/5.7.16-2p-4c

W.P. (MD) No.10879 of 2016
21.06.2016