



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.25859 of 2019

WEB COPY

K.R.Muthupandi
Panchayat Secretary,
Pillur Panchayat,
Sivagangai Panchayat Union,
Sivagangai District.

... Petitioner

vs.

The District Collector-cum-Inspector
of Panchayats,
Sivagangai District Collectorate,
Sivagangai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to revoke the order of suspension made against the petitioner by considering the petitioner's representation, dated 18.10.2019 in light of the decision of the Hon'ble Supreme Court in ***Ajay Kumar Choudhary Vs., Union of India***, reported in **2015 7 SCC 291** within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondent : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The limited prior sought for in the present writ petition is, to consider the petitioner's representation, dated 18.10.2019, in which, the petitioner has sought to revoke the order of suspension made against him.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondent to consider the same on its own merit and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct the such authority to consider the representation within the stipulated time.



4. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representations dated 18.10.2019 on its own merits and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in his representation. It is for the respondent to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To:-

The District Collector-cum-Inspector
of Panchayats,
Sivagangai District Collectorate, Sivagangai.

+1 CC to M/s.SPL GP (SR-103597[F] dated 05/12/2019)

SMA/18/12/19/2P/3C

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