



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.26466 of 2019

J.Sam Christudhas

Petitioner

Vs

1. The Chief Executive Officer
Khadhi and Village Industries Board
Kuralagam
Chennai - 108

2. The Assistant Director
Khadhi and Village Industries Board
Nagarcoil

3. The Administrator
Marthandam Bee Keepers Co-operative Society Ltd
No.2050, Vettumani Junction
Marthandam PO
Kanyakumari District - 629 165

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the third respondent to revoke the petitioner's suspension order dated 27.07.2019 as per judgment reported in 2015 3 CTC 119 (Ajay Kumar Choudry Vs Union of India) by disposing of his representation dated 10.09.2019, within the time limit stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.R.Sethuraman

Special 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. Though the petitioner has sought for issuance of writ of mandamus to the third respondent to revoke the petitioner's suspension order dated 27.07.2019 as per judgment reported in 2015 3 CTC 119 (Ajay Kumar Choudry Vs Union of India), in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.



3. The petitioner would submit that he has already made representation on 10.09.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits 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 such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 10.09.2019, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Vrn
To

1. The Chief Executive Officer
Khadhi and Village Industries Board
Kuralagam, Chennai - 108
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Nagarcoil
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No.2050, Vettumani Junction
Marthandam PO., Kanyakumari District - 629 165
- +1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-104839[F]
+1 CC to M/s.SPL.GP (SR-105325[F] dated 17/12/2019)
SMA/02/01/2020/2P/6C

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