



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.26939 of 2019

WEB COPY

I. John

... Petitioner

/vs./

1. The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandanam, Chennai.

2. The Assistant Executive Engineer,
Agricultural Engineering Department,
Kodaikanal, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to permit the petitioner to retire from service on 31.12.2019 without prejudice to the disciplinary proceedings initiated vide charge memo dated 05.10.2019 based on the representation given by the petitioner on 12.12.2019.

For Petitioner	: Mr.V.P.Rajan
For Respondents	: Mr.V.Anand
	Government Advocate

ORDER

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 directing the first respondent to permit the petitioner to retire from service on 31.12.2019 without prejudice to the disciplinary proceedings initiated vide charge memo dated 05.10.2019, in my view, such a decision is to be taken by the first respondent 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 12.12.2019 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. It is stated by the learned counsel for the petitioner that the petitioner is due to retire on 31.12.2019, in view of this fact, the first respondent shall endeavour to dispose of the petitioner's representation dated 12.12.2019, on its own merits and pass appropriate orders within a period of one week 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 his representation and it is for the first respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To:

1.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandanam, Chennai.

2.The Assistant Executive Engineer,
Agricultural Engineering Department,
Kodaikanal, Dindigul District.

+1 CC to M/s.V.P.RAJAN, Advocate (SR-105535[F] dated 18/12/2019)
+1 CC to M/s.SPL.GP (SR-106106[F] dated 19/12/2019)

Order made in
W.P. (MD) No.26939 of 2019
Dated:18.12.2019

scr(CO)

TR(19.12.2019) 2P 5C

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