



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD)No.1235 of 2020

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S.Ovu Reddy

... Petitioner

Vs.

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Director General of Highways,
Highways and Minor Ports Department,
Chepauk, Chennai 600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents more particularly the first respondent herein to consider the petitioner's representation dated 02.12.2019 by considering the revocation of suspension order dated 30.03.2015 and permitting him to retire from service on 31.03.2015 on the basis of judgment dated 31.08.2016 passed by the learned Special Court for Vigilance and Anti Corruption, Madurai in Spl. Case No.56/2011 and pay all the amounts due and payable to the petitioner.

For Petitioner : Mr.P.Mahendran

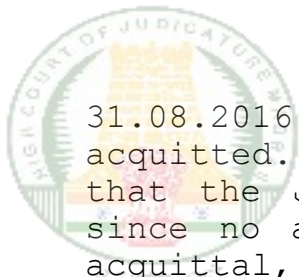
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

The limited prayer sought for in the present writ petition is to direct the respondents to consider the representation of the petitioner, dated 02.12.2019, wherein he has sought for revocation of the suspension order, dated 30.03.2015 as well as the order dated 31.03.2015 not permitting him to retire from service.

2.The petitioner herein had reached the age of superannuation on 31.03.2015. In view of the pendency of the criminal case in C.C.No.2 of 2018 on the file of the learned Chief Judicial Magistrate, Madurai, the suspension order as well as the order refusing to retire him from service are came to be passed.

3.The learned counsel for the petitioner would submit that the criminal case, referred to in the aforesaid two orders of the respondent, had ended in acquittal through a Judgment dated



31.08.2016 and according to the petitioner, he has been honourably acquitted. The learned counsel for the petitioner would also submit that the Judgment of acquitting the petitioner has become final, since no appeal has been filed against the same. In view of his acquittal, the representation dated 02.12.2019 has been made.

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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 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 such authority to consider the representation within the stipulated time.

5. If the submissions of the learned counsel for the petitioner is taken to be true, the action of the respondents suspending him from his service on 13.03.2015 and consequently refusing him to retire from service on 31.03.2015, cannot be appreciated in view of the various orders of this Court as well as the guidelines imposed by the Government in cases, where the respondents seek to pass orders by not permitting the Government employee to retire, on the last day of his service. Incidentally, the petitioner herein was implicated in a criminal case, which was initiated in the year 2008. There was absolutely no impediment on the part of the respondents to have initiated departmental action against the petitioner for his involvement in the criminal case from 2008 onwards and the present action of suspending him and passing the consequential order by not permitting him to retire cannot be justified. This court is of the view that atleast now the respondents should take any positive steps to consider the petitioner's case, in view of the order of acquittal passed.

6. In the light of the above observations, the respondent shall consider the petitioner's consideration dated 02.12.2019 and pass appropriate orders atleast within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observations, the writ petition is ordered. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Fort St.George, Chennai - 600 009.

2.The Director General of Highways,
Highways and Minor Ports Department,
Chepauk, Chennai 600 006.

+1 CC to M/s.SPL GP (SR-5236[F] dated 07/02/2020)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-5310[F] dated 07/02/2020)

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JMN(13.02.2020) 3P : 5C