



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2020**

CORAM:

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

W.P. (MD) No.2920 of 2020

and

W.M.P. (MD) No.2479 of 2020

A.Syed Mohamed

... Petitioner

/vs./

1.The Director General,
Highways Department,
76, Sardar Patel Road,
Guindy, Chennai.

2.The Assistant Director (H),
Highways Research Station,
Regional Laboratory,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings No.2002/Con.3(2)/2019 dated 9.7.2019 passed by the 1st respondent quash the same as illegal.

For Petitioner : Mr.I.Abrar MD Abdullah

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 Certiorari, to quash order dated 09.07.2019 passed in 2002/Con.3(2)/2019 by the 1st respondent, 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 submitted a representation on 16.10.2019 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 first respondent herein to consider the petitioner's representation, dated 16.10.2019, in the light of the judgment rendered by the Hon'ble Supreme Court in the case of **Ajay Kumar Choudhary Vs. Union of India (UOI) and others** reported in **2015 (3) CTC 119** and pass appropriate orders within a period of two 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 his representation and it is for the first respondent to consider it in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

MM

To

1. The Director General,
Highways Department,
76, Sardar Patel Road,
Guindy, Chennai.

2. The Assistant Director (H),
Highways Research Station,
Regional Laboratory,
Madurai.

+1 CC to MR.J.SENTHIL KUMARAI AH, Advocate (SR-6502[F] dated 14/02/2020)

+1 CC to SPL.GP (SR-6594[F] dated 17/02/2020)

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