



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

CORAM:

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

W.P.(MD) No.3364 of 2020

and

W.M.P(MD) No.2818 of 2020

K.R.Thiyagarajan,
Forester,
Tamil Nadu Forest Plantation Corporation Ltd.,
Karaikudi Region,
Karaikudi,
Sivagangai District.

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd., (TAFCON),
Karur Main Road,
Mallachipuram,
Kambarasampettai-620 101,
Tiruchirappalli.

2.The Regional manager,
Tamil Nadu Forest Plantation Corporation Ltd., (TAFCON),
Subramaniapuram 5th Street,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records on the file of the first respondent in connection with the impugned order of suspension passed by him vide his proceedings in Ref.No.4366/2019/L1 dated 20.12.2019 and quash the same as illegal and arbitrary and thereby direct the first respondent to reinstate the petitioner in service based on his representation dated 09.01.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.M.Rajarajan
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 certiorarified mandamus to quash the impugned order of suspension passed by the first respondent in Ref.No.4366/2019/L1 dated 20.12.2019 and further to direct the first respondent to reinstate him in service, the learned counsel for petitioner now abridged the prayer and submitted that it would suffice if the representation dated 09.01.2020 given by the petitioner is directed to be considered by the respondents within a stipulated time, the ends of justice could be secured.

3. 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.

4. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 09.01.2020, 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 his representation and it is for the first respondent to consider it in accordance with law. In case, the petitioner is aggrieved against such a decision taken by the first respondent, it would be appropriate to approach this Court.

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

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

cp

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To:-

- 1.The Managing Director,
Tamil Nadu Forest Plantation Corporation Ltd., (TAFCORN),
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- 2.The Regional manager,
Tamil Nadu Forest Plantation Corporation Ltd., (TAFCORN),
Subramaniapuram 5th Street,
Karaikudi,
Sivagangai District.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-7228[F] dated 20/02/2020)

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-7164[F] dated 19/02/2020)

Order made in
W.P. (MD) No.3364 of 2020
19.02.2020

JMN(28.02.2020) 3P : 5C