



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2020**

CORAM:

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

W.P.(MD) No.3608 of 2020

A.Pandikumar

... Petitioner

/vs./

The Superintendent of Police,
Railways, Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to revoke the petitioner suspension order dated 22.10.2019 passed in his proceedings in D.O.No.447 of 2019 and reinstate him in the post of Grade I RPC (1064) in the light of the judgment rendered by this Court in W.P(MD).No.39989 of 2016 dated 12.01.2017 as confirmed by the Hon'ble Apex Court based in his representation dated 16.12.2019 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

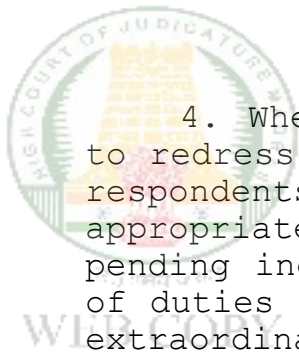
For Respondent : Mr.V.Anand
Government Advocate

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 to direct the respondent to revoke the petitioner suspension order, dated 22.10.2019 passed in his proceedings in D.O.No.447 of 2019 and reinstate him in the post of Grade I RPC (1064), in my view, such a decision is to be taken by the 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 16.12.2019 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. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation, dated 16.12.2019 in the light of the order passed by the Hon'ble Apex Court in the case of **AJAY KUMAR CHOUDHARY Vs., UNION OF INDIA THROUGH ITS SECRETARY & ANR.**, reported in (2015) 2 SCC 291, on its own merits and pass appropriate orders within a period of two (2) 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 respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

The Superintendent of Police,
Railways, Trichy.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-8147[F] dated 25/02/2020

+1 CC to M/s.SPL.GP (SR-8391[F] dated 26/02/2020)

Order made in
W.P. (MD) No.3608 of 2020
24.02.2020

JMN(09.03.2020) 2P : 4C