



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5726 of 2020

M.Sivakumar

..Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police
(Law and Order),
Madurai City,
Madurai.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representations dated 07.01.2020 and 20.01.2020 seeking for revocation of his suspension, in terms of Rule 3(e)(5) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 and pass necessary orders on merits and in accordance with law, within a stipulated time.

For petitioner : Mr.M.Jerin Mathew

For respondents : Mr.K.Mu.Muthu,

Additional Government Pleader

ORDER

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The learned counsel for the petitioner submitted that the petitioner is presently working as Head Constable. While he was attending duty at Thiruparankundram, one Meenakshi Sundaram, who was working along with him, abused him in filthy language and also attacked him, due to which the petitioner sustained injuries. In order to defend from the attack, the petitioner pushed Meenakshi Sundaram by hands, due to which Meenakshi Sundaram fell down and sustained injuries. Both of them admitted in the



Government Hospital and both of them lodged a criminal case against each other. In view of the registration of the criminal case, the petitioner was suspended from service on 24.12.2019, but, the said Meenakshi Sundaram has not been suspended. The petitioner has not been paid subsistence allowance till date. The petitioner has submitted a representation dated 20.01.2020 seeking to revoke his suspension. But, till date the same has not been considered by the respondents. Hence, the petitioner has come up with this writ petition.

3. Learned Additional Government Pleader appearing for the respondents submitted that the enquiry is pending and it would be completed as early as possible.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the official 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 duty 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, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 20.01.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 20.01.2020, along with a copy of this order, to the first respondent for early consideration of the matter.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

//True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police
(Law and Order),
Madurai City,
Madurai.

+1cc to Mr.Jerin Mathew, Advocate Sr.No.12708
+1cc to The Special Government Pleader Sr.No.12680

AKM/07.05.2020 /3P-5C/

Order made in
W.P. (MD) No.5726 of 2020