



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5700 of 2020

S.Senthil Kumar

... Petitioner

Vs.

1.The Director of Medical Education,
DME Office,
Chennai -10.

2.The Dean,
Madurai Medical College,
Madurai - 625 020.

... 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 relating to the impugned order of suspension passed by the 2nd respondent in Ref.No.12836/E2/4/2019, dated 27.12.2019 under Rule 17(e)(2) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and quash the same and consequently direct the respondents to reinstate the petitioner in service on the basis of his representation dated 24.02.2020.

For Petitioner

: Mr.N.Dilip Kumar

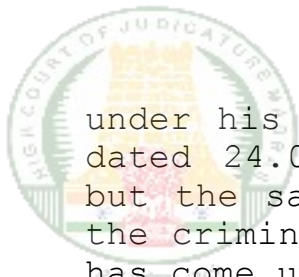
For Respondents

: Mr.P.Balasubramanian

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 Senior Assistant Professor of Radiology Physics. On 24.12.2019 a criminal case was registered against the petitioner and on the same day, he was arrested. On 14.02.2020, he was released on bail. While he was in custody, the impugned order of suspension has been passed on 27.12.2019 and he is under suspension till date. The respondents have not paid subsistence allowance so far. Since he is under suspension, he cannot be employed as guide to the students, who are pursuing Ph.D.



under his guidance. The petitioner has submitted a representation dated 24.02.2020 praying to reconsider the order of suspension, but the same is not yet considered by the second respondent. As the criminal case is not related to his employment, the petitioner has come up with this petition challenging the suspension order.

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3. The learned counsel for the petitioner would further submit that though the petitioner has come up with a larger relief, it would suffice if a direction is given to the respondents to dispose of the representation of the petitioner dated 24.02.2020 within a time frame.

4. Learned counsel appearing for the respondents submitted that the second respondent would consider the representation of the petitioner, dated 24.02.2020, as early as possible.

5. 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.

6. In view of the above, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 24.02.2020 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 24.02.2020, along with a copy of this order, to the second respondent for early consideration of the matter.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Director of Medical Education,
DME Office,
Chennai -10.

2.The Dean,
Madurai Medical College,
Madurai - 625 020.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-12563[F] dated
19/03/2020)

+1 CC to M/s.SPL.GP (SR-12683[F] dated 20/03/2020)

Order made in
W.P.(MD) No.5700 of 2020

19.03.2020

CV/(12.05.2020) 3P 5C