



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.13390 of 2019

M.Vinoth Kumar

...Petitioner

Vs.

1.The Secretary to the Government,
Home Department,
Secretariat,
Chennai.

2.The Superintendent,
Central Prison,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to return the recovered salary of Rs.3,05,625/- (along with its accrued rate of interest) that has been paid by the petitioner, pursuant to the direction of the 2nd respondent vide her communication in No.23905/PO.1/2018 signed on 16.03.2019 for getting relieved from the post of Assistant Jailer at the 2nd respondents Department as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.P.Mahendran
Additional Government Pleader

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2.Since the petitioner's request to the respondents to return the recovered salary of Rs.3,05,625/- (along with its accrued rate of interest) that has been paid by the petitioner, pursuant to the direction of the 2nd respondent vide her communication in No.23905/PO.1/2018 signed on 16.03.2019 for getting relieved from the post of Assistant Jailer at the 2nd respondents Department, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.06.2019, which is still pending.



3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 06.06.2019, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 06.06.2019, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*



To

1.The Secretary to the Government,
Home Department,
Secretariat,
Chennai.

2.The Superintendent,
Central Prison,
Madurai.

+1 CC to SPL GP (SR-9202[F] dated 05/03/2021)

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