



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.4546 OF 2018

S.Kannan

...Petitioner

-Vs-

The Superintending Engineer,
Procurement and Administration,
Mettur Thermal Power Station II,
Mettur Dam, Salem.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to declare that the petitioner completed his period of probation of two (2) years within a continuous period of two (02) years on 11.10.2014 and pay all attendant benefits based on his representation dated 12.12.2017.

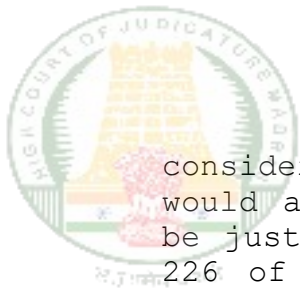
For Petitioner : Mr.P.Thirumalaivasan

For Respondents : Mr.P.Subramanian,
Standing Counsel (TNEB).

O R D E R

The petitioner herein had given his representation dated 12.12.2017 to the respondent to treat the 'period of suspension' as 'period in service' and to give all the attendant benefits to the petitioner. Since the respondent has not considered the same, the petitioner has approached this Court by way of filing this writ petition.

2. It is needless to point out that whenever representations of this nature are 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-



WEB COPY

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.

3. Since the representation was made on 12.12.2017, it would not be appropriate to direct the respondent to consider the same after a lapse of four years. On the other hand, if the petitioner is granted liberty to give a fresh representation with a consequential direction to the respondent to consider the same, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the respondent, along with a copy of the earlier representation dated 12.12.2017, ventilating his grievances as expeditiously as possible and on receipt of such representation from the petitioner, the respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (08) weeks from the date of receipt of the fresh representation made by the petitioner.

5. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sts/ata

To:

The Superintending Engineer,
Procurement and Administration,
Mettur Thermal Power Station II,
Mettur Dam, Salem.

+1cc to M/s.P.Subramanian, Advocate, S.R.No.65755

+1cc to M/s.M.Selvam, Advocate, S.R.No.65919

W.P.No.4546 of 2018

RP(CO)
RLP(23/12/2021)