

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10976 of 2021

Balachandran

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Marketing Corporation
Ltd., (TASMAC)
4th Floor, CMDA building, Tower-II,
Chennai-600 008.

2.The Senior Regional Manager,
Tamil Nadu State Marketing Corporation
Ltd., (TASMAC)
56, Bhirunthavanam Salai,
Azhagapuram, Salem-16.

3.The District Manager,
Tamil Nadu State Marketing Corporation
Ltd., (TASMAC)
Nammakkal District,
Nammakkal.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to reinstate the petitioner into service as per the recommendation made by the enquiry officer in proceedings Na.Ka.No.755/2015/B1 dated 08.02.2020 with all benefits, based upon the representation dated 23.03.2021.

For Petitioner : Mr.M.Manimaran
For Respondents : Mr.K.Sathish Kumar
Standing Counsel (TASMAC)

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to the respondents to reinstate the petitioner into service as per the recommendation made by the Enquiry Officer was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 23.03.2021, 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 third respondent herein to consider the petitioner's representation dated 23.03.2021, 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 views 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 third respondent to consider the petitioner's representations dated 23.03.2021 on its own merits and pass appropriate orders in accordance with law, within a period of 8 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(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

Speaking order/Non-speaking order

sbn/hvk
To

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Nammakkal District,
Nammakkal.

+1cc to Mr. MANIMARAN, Advocate SR.No. 26199

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SR II(CO)
A.SK(12.07.2021)



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