



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1405 of 2021

and

W.M.P. (MD) .No.1200 of 2021

WEB COPY

R.Rolan

...Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Government of Tamilnadu,
Fort St. George,
Chennai-600 009.

2.The Director of Fire and Rescue Services
Tamil Nadu,
17, Rukmani Lakshmipatty Road,
Egmore, Chennai-600 008.

3.The Deputy Director of Fire and Rescue Services,
South Zone,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings of the respondent No.3 in Na.Ka.No.6151/அ/2019 dated 09.11.2019 suspending the petitioner from service and to quash the same.

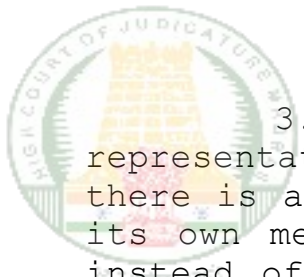
For Petitioner : Mr.V.Kannan

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

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

2.Though the petitioner has sought for issuance of a writ of certiorari, to quash the impugned orders passed by the third respondent in Na.Ka.No.6151/அ/2019 dated 09.11.2019, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 05.10.2020 given by the petitioner, is directed to be considered by the respondents within a stipulated time.



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 second respondent herein to consider the petitioner's representation dated 05.10.2020, 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 second respondent to consider the petitioner's representation dated 05.10.2020, on its own merits and pass appropriate orders in accordance with law, within a period of four 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cp

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.

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



To

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+1 CC to SGP (SR-2838[F] dated 02/02/2021)

+1 CC to Mr.V.KANNAN, Advocate (SR-2901[F] dated 02/02/2021)

W.P.(MD) No.1405 of 2021
and
W.M.P.(MD) .No.1200 of 2021
01.02.2021

KM (15.02.2021) 3P 6C