



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.1805 of 2021

and

W.M.P. (MD) No.1538 of 2021

WEB COPY

M.Kannan

...Petitioner

Vs.

1.The Chief Engineer (Distribution),  
TANGEDCO,  
Tirunelveli Region,  
Maharaja Nagar,  
Tirunelveli - 627 011.

2.The Superintending Engineer,  
TANGEDCO,  
Tirunelveli Electricity Distribution Circle,  
Maharaja Nagar,  
Tirunelveli - 627 011.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the suspension order passed by the 1<sup>st</sup> respondent in Memo.No.013291/568/Adm/C1/F.Suspension/2019, dated 05.11.2019 and quash the same as illegal and directing the respondents to permit the petitioner to join in the service in TANGEDCO as Assistant Executive Engineer.

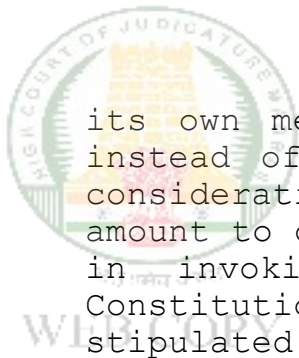
|                 |                                                       |
|-----------------|-------------------------------------------------------|
| For Petitioner  | : Mr.V.Kathirvelu, Senior Counsel<br>for Mr.P.Subbiah |
| For Respondents | : Mr.T.Sakthi Kumaran,<br>Standing Counsel            |

### **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 Certiorarified Mandamus, to quash the suspension order passed by the 1<sup>st</sup> respondent in Memo.No.013291/568/Adm/C1/F.Suspension/2019, dated 05.11.2019, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 20.11.2019 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 first respondent herein to consider the petitioner's representation dated 20.11.2019, 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 20.11.2019, 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 (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**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 Chief Engineer (Distribution),  
TANGEDCO,  
Tirunelveli Region,  
Maharaja Nagar,  
Tirunelveli - 627 011.



2.The Superintending Engineer,  
TANGEDCO,  
Tirunelveli Electricity Distribution Circle,  
Maharaja Nagar,  
Tirunelveli - 627 011.

WEB COPY

+1 CC to M/s.P.SUBBIAH, Advocate ( SR-3122[F] dated 03/02/2021 )

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate ( SR-3373[F] dated  
04/02/2021 )

W.P.(MD) No.1805 of 2021  
and

W.M.P.(MD) .No.1538 of 2021  
03.02.2021

TP (CO)  
KB(18.02.2021) 3P 5C