



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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W.P.(MD) No.1886 of 2021

and

W.M.P(MD) Nos.1692 and 1693 of 2021

P.S.Ramesh

...Petitioner

Vs.

1.The Director General of Police/
Director of Fire and Rescue Service,
Fire and Rescue Services Department,
No.17, Rukmani Lakshmipathy Road,
Egmore, Chennai-8.

2.The Deputy Director,
Southern Region,
Fire and Rescue Services Department,
Melaveli Street,
Madurai-625 001.

3.The District Fire Officer,
O/o. The District Fire Officer,
Fire and Rescue Services,
Theni District, Theni.

4.The Assistant District Officer,
O/o. The District Office,
Fire and rescue Department,
Theni District, Theni.

5.The Station Fire Officer,
Fire and Rescue Department,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.1960/E3/2020 dated 17.12.2020 on the file of the first respondent and consequential impugned order in Me.Ku.Na.Ka.No.83/8/Aa/2020 dated 21.12.2020 on the file of the fourth respondent and quash the same as illegal and consequently for a direction, directing the first respondent to retain the petitioner within the Theni Jurisdiction within the time period stipulated by this Court.

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For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Ms.V.P.M.Vaishnavi
Government Advocate

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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 impugned order in Na.Ka.No.1960/E3/2020, dated 17.12.2020, on the file of the first respondent and consequential impugned order in Me.Ku.Na.Ka.No.83/8/Aa/2020 dated 21.12.2020 on the file of the fourth respondent and to direct the first respondent herein to retain him within the Theni Jurisdiction, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 30.12.2020 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 first respondent herein to consider the petitioner's representation dated 30.12.2020, 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 first respondent to consider the petitioner's representation dated 30.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 petitions are closed.

Sd/-

Assistant Registrar (CO)

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// 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.

To

- 1.The Director General of Police/
Director of Fire and Rescue Service,
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O/o. The District Office,
Fire and rescue Department,
Theni District, Theni.
 - 5.The Station Fire Officer,
Fire and Rescue Department,
Uthamapalayam,
Theni District.
- +1 CC to M/s.SPL GP (SR-3493[F] dated 05/02/2021)
- +1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3668[F] dated 08/02/2021)

W.P. (MD) No.1886 of 2021
04.02.2021

NA (CO)

KB(16.02.2021) 3P 8C

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