



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7275 of 2021

and W.M.P. (MD).No.5541 of 2021

WEB COPY

R.Saravanan

...Petitioner

Vs.

1. The Managing Director,
Southern Railway Employees,
Co-operative Credit Society Limited,
Tiruchirappali.

2. A.Shanmugasundaram,
Enquiry Officer,
Southern Railway Employees,
Co-Operative Credit Society Limited,
Tiruchirapalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider his representation dated 18.03.2021 for the change of the enquiry officer and also to have the assistance of a lawyer at the time of domestic enquiry relating to the charge memo in Ref.No. CCS/Admn./09/2020 dated 23.09.2020 within a stipulated time.

For Petitioner : Mr.A.Chandrakumar

ORDER

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

2. Since the petitioner's request to the respondents for the change of the enquiry officer and also to have the assistance of a lawyer at the time of domestic enquiry relating to the charge memo in Ref.No. CCS/Admn./09/2020 dated 23.09.2020 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 18.03.2021, 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 respondents herein to consider the petitioner's representation dated 18.03.2021, 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 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 respondents to consider the petitioner's representation dated 18.03.2021, on its own merits and pass appropriate orders in accordance with law, within a period of one week 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(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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 Managing Director,
Southern Railway Employees,
Co-operative Credit Society Limited, Tiruchirappali.
2. The Enquiry Officer,
Southern Railway Employees,
Co-Operative Credit Society Limited, Tiruchirapalli.

+1 CC to M/s.A.CHANDRA KUMAR, Advocate (SR-14578[F] dated 30/03/2021)

W.P. (MD) No.7275 of 2021

30.03.2021

SGS (CO)

TR(31.03.2021) 2P 4C

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