



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.445 of 2022

Siva

...Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Home Department,
Fort St. George,
Chennai - 600009.

2.The Director,
Tamil Nadu Fire and Rescue
Services Department,
Egmore, Chennai - 8.

3.The Divisional Officer,
Tamil Nadu Fire and Rescue
Services Department,
Kancheepuram Division,
Kancheepuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the statutory appeal dated 30.07.2019 within the time frame fixed by this Court and further direct the 2nd respondent to provide compensatory allowance to the petitioner.

For Petitioner : Mr.S.N.Kirubanandam

For Respondents: Mr.G.Nanmaran,
Special Government Pleader



ORDER

The petitioner herein had preferred an appeal dated 30.07.2019 against the order of his dismissal from service to the first respondent herein. Since the same has not been considered till date, the present writ petition has been filed.

2. It is needless to point out that whenever an appeal/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 appeal/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.

3. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's appeal 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.

4. Accordingly, there shall be a direction to the first respondent herein to dispose of the petitioner's appeal dated 30.07.2019, if not already disposed of, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of, accordingly. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



hvk
To

1.The Secretary,
The Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai - 600009.

2.The Director,
Tamil Nadu Fire and Rescue
Services Department,
Egmore, Chennai - 8.

3.The Divisional Officer,
Tamil Nadu Fire and Rescue
Services Department,
Kancheepuram Division,
Kancheepuram.

+1cc to the Government Pleader Sr.2991

+1cc to Mr.S.N.Kirubanandam, Advocate Sr.2473

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pl[col]
srg 31/01/2022