



W.P.(MD) No.14455 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.14455 of 2022
and W.M.P.(MD).Nos.10334 & 10337 of 2022

N.Murugan

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Revenue and Disaster Management,
Secretariat,
Chennai – 600 009.

2.The Additional Chief Secretary /
Commissioner of Revenue Administration
Commissionerate of Revenue and
Disaster Management Department,
Ezhilagam, Chennai – 600 005.

3.The District Collector,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to impugned suspension order passed by the 1st respondent in G.O.(2D).No.234, Revenue and Disaster Management Department, Services Wing, Service.2(1)



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Section dated 31.12.2020 and quash the same as illegal and unconstitutional, consequently, to direct the 1st respondent to forthwith reinstate the petitioner as Deputy Collector, District Adi Dravidar and Tribal Welfare Department at any place without prejudice to the disciplinary proceedings pending before Tribunal for Disciplinary Proceedings, Madurai, in TDP.01/2021, and post him at any of non sensitive post within the time stipulated by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

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

2. Though the petitioner has sought for issuance of a writ of Certiorarified Mandamus, quashing the suspension order passed by the 1st respondent in G.O.(2D).No.234, Revenue and Disaster Management Department, Services Wing, Service.2(1) Section, dated 31.12.2020, the learned counsel for the petitioner would submit that he would be satisfied if the representation, dated 04.07.2022, given by the petitioner, is directed to be



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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, there shall be a direction to the respondents herein to consider the petitioner's representation dated 04.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of two **(2)** weeks from the date of receipt of a copy of this order. 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.



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Index : Yes / No
Speaking Order/ Non Speaking Order

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To

- 1.The Additional Chief Secretary to Government,
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M.S.RAMESH,J.

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