



WP(MD)No.15889 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM:

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

W.P.(MD)No.15889 of 2022

E.Baskar

... Petitioner

/vs./

1.The Managing Director,
Tamilnadu State Marketing Corporation (TASMAC) Ltd.,
4th Floor, CMDA Tower – II,
Egmore,
Chennai – 600 008.

2.The Regional Manager,
Tamilnadu State Marketing Corporation (TASMAC) Ltd.,
Plot No.100, Anna Nagar,
Madurai – 625 020.

3.The Deputy Collector / District Manager,
Tamilnadu State Marketing Corporation (TASMAC) Ltd.,
Thoothukudi, SIPCOT,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.01.2022 and direct the 3rd respondent to pass orders on the petitioner's application seeking for subsistence allowance for the petitioner's suspension period i.e. from 16.04.2012 to 01.09.2021.



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For Petitioner : Mr.Suyambulinga Bharathi
For Respondents : Mr.B.Jameel Arasu
Standing Counsel

ORDER

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

2.The petitioner herein had given a representation to the respondents on 10.01.2022 seeking for subsistence allowance for the petitioner's suspension period i.e. from 16.04.2012 to 01.09.2021. Since the said representation was not considered, the present writ petition has been filed.

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



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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 second and third respondents herein to consider the petitioner's representation dated 10.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

5.With the above direction, the Writ Petition stands disposed of. No costs.

21.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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To:

- 1.The Regional Manager,
Tamilnadu State Marketing Corporation (TASMAC) Ltd.,
Plot No.100, Anna Nagar,
Madurai – 625 020.
- 2.The Deputy Collector / District Manager,
Tamilnadu State Marketing Corporation (TASMAC) Ltd.,
Thoothukudi, SIPCOT,
Thoothukudi District.

Order made in
W.P.(MD)No.15889 of 2022

Dated:
21.07.2022