



WP(MD)No.16476 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2022**

CORAM:

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

W.P.(MD)No.16476 of 2022

Karthikeyan

... Petitioner

/vs./

The Commissioner,
Sivakasi Municipality Corporation,
Viruthunagar District.

... Respondent

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 suspension order passed by the respondent in Na.Ka.5178/2021/C1 dated 04.11.2020 and quash same and consequently direct the respondent to reinstate the petitioner in service.

For Petitioner : Mr.G.Bhagavath Singh

For Respondent : Mrs.S.Devasena

Standing Counsel



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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 respondent on 24.01.2022 seeking for cancellation of the suspension order and reinstatement of the petitioner into service. 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 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.



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4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 24.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

27.07.2022

Index : Yes / No

Internet : Yes / No

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TO:

The Commissioner,
Sivakasi Municipality Corporation,
Viruthunagar District.



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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.16476 of 2022

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