



W.P.(MD) No.18638 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.18638 of 2022
and W.M.P.(MD).No.13571 of 2022

R.Praveen

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
District Collectorate,
Pudukkottai.

2.The Commissioner of Town Panchayat,
Nos.7, 8th Floor, Town Administrative Office,
Raja Annamalaipuram,
Chennai-600 028.

3.The Assistant Director of Town Panchayat,
Office of the Assistant Director of Town Panchayat,
Trichy Zone,
Trichy District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to
issue a writ of Certiorarified Mandamus, calling for the records pertaining to
the impugned order passed by the first respondent in Roc.No.196/2022/TP2,



W.P.(MD) No.18638 of 2022

dated 22.04.2022 placing the petitioner under suspension from 12.02.2022 and quash the same as illegal, arbitrary and against the settled propositions of law and consequently, direct the first respondent to reinstate the petitioner as per law.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

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

2. Though the prayer sought for in this writ petition is larger in nature, the learned counsel for the petitioner confines his prayer to consider the petitioner's explanation, dated 13.05.2022.

3. In response to the impugned order passed by the first respondent, the petitioner herein had given an explanation to the respondent on 13.05.2022. Since the said explanation was not considered, the present writ petition has been filed.



W.P.(MD) No.18638 of 2022

WEB COPY

4.The Government in a recent order in G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022, has stipulated certain guidelines for review of prolonged suspension, wherein, time limits have been framed for conclusion of the criminal proceedings as well as the departmental proceedings including the suspension.

5.It is needless to point out that whenever a representation/explanation 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/explanation 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.



W.P.(MD) No.18638 of 2022

WEB COPY

6. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the respondents and on receipt of such representation, the respondents herein shall consider the same in the light of G.O.Ms.No.81, Human Resources Management (N) Department, dated 04.08.2022 and pass appropriate orders in accordance with law, within a period of two weeks thereafter. 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.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

ssb



W.P.(MD) No.18638 of 2022

WEB COPY

To

- 1.The District Collector,
Pudukkottai District,
District Collectorate,
Pudukkottai.
- 2.The Commissioner of Town Panchayat,
Nos.7, 8th Floor, Town Administrative Office,
Raja Annamalaipuram,
Chennai-600 028.
- 3.The Assistant Director of Town Panchayat,
Office of the Assistant Director of Town Panchayat,
Trichy Zone,
Trichy District.



WEB COPY



W.P.(MD) No.18638 of 2022

M.S.RAMESH,J.

ssb

W.P.(MD) No.18638 of 2022

24.08.2022