



W.P.(MD) No.18672 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.18672 of 2022
and W.M.P.(MD).No.13576 of 2022

Mahesh

... Petitioner

Vs.

**1.The Joint Director of College Education,
College Education Zonal Office,
Palam Station Road, Sellur,
Madurai-625 002.**

**2.The Principal and Secretary,
The American College, Madurai,
Madurai-625 002.**

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 to consider his representation dated 27.06.2022 and to revoke the suspension order passed by the second respondent office vide proceedings in SO/09/2021/PO-03 dated 21.09.2021 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.A.Kannan
Additional Government Pleader for R1
Ms.H.Jesima Yasmin
for M/s.Ajmal Associates for R2

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 first respondent on 27.06.2022 to revoke the suspension order passed by the second respondent. Since the said representation was not considered, the present Writ Petition has been filed.

3.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.



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4. 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.

5. The learned counsel appearing for the petitioner submits that though the petitioner was suspended from service in the month of October 2021, he was not paid with subsistence allowance till date.

6. It is needless to point out that when an order of suspension is passed, the Authorities concerned is bound to pay the subsistence allowance.

7. 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



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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 months thereafter. Till the disposal of the petitioner's representation, the second respondent shall disburse the subsistence allowance payable to the petitioner herein. 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.

8. 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



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M.S.RAMESH,J.

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