



W.P.(MD).No.19282 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.19282 of 2022

A.Shanmugam

... Petitioner

Vs.

The Commissioner,
Food Safety and Drug Administrative Department,
No.359, Annasalai,
Teynampet,
Chennai – 600 006.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to reconsider the order of suspension in Ref.R.No.0180/2022/S1/FSD dated 07.01.2022 on the file of the respondent and to revoke the same and to reinstate the petitioner in the post of Food Safety Officer by considering the petitioner's representation dated 25.05.2022 in person.

For Petitioner	: Mr.G.Sethu Surendhar
For Respondent	: Mr.A.Sivanupandian
	Government Advocate.



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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 representations to the respondent on 25.05.2022 and 06.08.2022 seeking for revocation of suspension and reinstatement. Since the said representations were 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 respondent 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 representations, dated 25.05.2022 and 06.08.2022, 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. There shall be no order as to costs.

23.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/Rmk

To

The Commissioner,
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M.S.RAMESH, J.

Lm/Rmk

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