



WP(MD)No.19703 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM:

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

W.P.(MD)No.19703 of 2022

C.Rajasekar (Under Compulsory Retirement),
Assistant Jailor,
No.85/103-D, Eatery Road,
Adivaram Palani, Dindigul District.

... Petitioner

/vs./

1.The Deputy Inspector General of Prisons,
Central Prison,
Madurai Range, Madurai District.

2.The Superintendent of Prisons,
Central Prison,
Madurai Range, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the period of suspension i.e., 15.05.2018 to 10.12.2018 as duty period with continuity of service and pay the service benefits by considering the petitioner's representation dated 01.07.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.J.Imran Khan
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader



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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 respondents on 01.07.2022 seeking to regularize the period of suspension i.e., 15.05.2018 to 10.12.2018 as duty period and consequential benefits. 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 first respondent herein to consider the petitioner's representation, dated 01.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve(12) 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.

25.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

- 1.The Deputy Inspector General of Prisons,
Central Prison,
Madurai Range, Madurai District.
- 2.The Superintendent of Prisons,
Central Prison,
Madurai Range, Madurai District.



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M.S.RAMESH, J.

Rmk

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25.08.2022