



W.P.No.17819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17819 of 2023
and WMP No.16928 of 2023

T.Sivakumar

...Petitioner

Vs

The Assistant Engineer,
O&M, CEDC,
TANGEDCO,
Kadambathur

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the Assistant Engineer, O&M/CEDC, TANGEDCO, Kadambathur, the respondent herein vide his proceedings in Memo No.AEE/O&M/KBT/F.SUSPENSION/D.NO.010 dated 03.02.2022 and quash them as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice thereby direct the respondent herein to reinstate the petitioner into service with all consequential monetary and service benefits.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.David Sundar Singh
Standing Counsel

ORDER



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WEB COPY By consent of both the parties, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given a representation to the respondents on 02.05.2023 seeking for revocation of suspension passed by the respondent on 03.02.2022. 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 02.05.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving opportunity to all the concerned parties. 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 respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.06.2023

Index: Yes/No
Speaking order/Non-speaking order
sr

To

The Assistant Engineer,
O&M, CEDC,
TANGEDCO,
Kadambathur

M.S.RAMESH,J.,



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