



W.P.No.18044 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18044 of 2023

S.Arul

...Petitioner

Vs.

1.The Secretary to Government
of Tamilnadu,
Micro, Small and Medium
Enterprises Department,
Fort St.George, Chennai - 9.

2.The Industries Commissioner &
Director of Industries & Commerce,
SIDCO Corporate Office Building,
Guindy, Chennai - 32.

3.The Inspector of Police,
Vigilance and Anti-Corruption,
CSU-III, Alandur, Chennai - 16.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass orders on the representation of the petitioner dated 10.12.2018 and the remainder dated 16.05.2023 seeking for revocation of suspension



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dated 11.09.2018, in the light of the G.O.Ms.No.81, Human Resources Management (M) Department, dated 04.08.2022.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioner herein had given a representation to the first respondent on 10.12.2018 seeking for revocation of his suspension dated 11.09.2018. In this regard, the petitioner had also sent a remainder dated 16.05.2023 to the first respondent. Since the representation has not been considered, the present Writ Petition is 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 on him 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



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amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct him to consider the same within a stipulated time.

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 10.12.2018 and the remainder dated 16.05.2023, in the light of G.O.Ms.No.81, Human Resources Management (M) Department, dated 04.08.2022, and pass appropriate orders in accordance with law, within a period of two 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 made by 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.

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Index: Yes/No
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M.S.RAMESH,J.

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To

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