



WEB COPY



W.P.No.18561 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18561 of 2023
and W.M.P.No.17794 of 2023

C. Karthikeyan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administrative Water
and Sewerage Board Department,
Fort St. George, Chennai – 9.

2.The Commissioner/Director,
Municipal Administration,
75, Santhome Road, Raja Annamalaipuram,
Chennai – 28.

3.The Commissioner,
Dharapuram Municipality,
Dharapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Roc.No.22793/20121/V-1 dated 27.09.2021 and quash the same and direct the respondents to revoke the suspension from service.



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For Petitioner : Mr.S. Gunasekaran

For Respondents : Mr.P. Sanjay Gandhi,
Government Advocate [R1]

ORDER

Heard Mr.S. Gunasekaran, learned counsel for the petitioner and Mr.P. Sanjay Gandhi, learned Government Advocate accepting notice for the first respondent.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the second and third respondents and hence, notice to the said respondents is hereby dispensed with.

3. On the ground of prolonged suspension, the petitioner herein seeks for interference to the suspension order. In this regard, the petitioner has given representations to the second respondent on 12.01.2023 and 28.05.2023, seeking for revocation of the suspension order. Since there was no further progress, the present Writ Petition has been filed.



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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. In the light of the above observations, there shall be a direction to the second respondent herein, to consider the petitioner's representations dated 12.01.2023 and 28.05.2023, 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.



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M.S.RAMESH,J.

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6. With the above direction, the Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

23.06.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Secretary to Government of Tamil Nadu,
Municipal Administrative Water
and Sewerage Board Department,
Fort St. George, Chennai – 9.

2.The Commissioner/Director,
Municipal Administration,
75, Santhome Road, Raja Annamalaipuram,
Chennai – 28.

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