



WEB COPY



W.P.No.19096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19096 of 2023
and
W.M.P.No.18347 of 2023

K.Srinivasan

...Petitioner

Vs

The Assistant Director [Addl. i/c] and
Personal Assistant [SY] to Collector,
Survey and Land Records,
Ariyalur, Ariyalur District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the impugned order of suspension in Rc.A1/2441/2020, dated 31.12.2020 passed by the respondent and quash the same and consequently, direct the respondent to reinstate the petitioner into service with all benefits.

For Petitioner : Mr.K.Arumugam

For Respondent : Mr.P.Sanjay Gandhi
Government Advocate



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ORDER

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

2. On the ground of prolonged suspension, the petitioner herein seeks for interference to the suspension order. In this regard, the petitioner had given a representation to the respondent on 16.06.2023, which is yet to be considered.

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 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.



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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 16.06.2023, 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 four 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 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.

27.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

The Assistant Director [Addl. i/c] and
Personal Assistant [SY] to Collector,
Survey and Land Records,
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