



W.P.No.29017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29017 of 2023

Eswari

...Petitioner

Vs

1.The District Collector,
Perambalur District.

2.The Tahsildar,
Alathur Taluk Office,
Perambalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to revoke the suspension order passed by him vide R.C.No.A1/1717/2023 dated 21.04.2023 and to reinstate the petitioner into service with all attendant benefits, by considering his representation dated 19.09.2023, in the light of G.O.(Ms).No.81 Human Resources Management (N) Department dated 04.08.2022 and further direct him to pay the subsistence allowance to the petitioner, from the month of June 2023 to till revocation of suspension, within a stipulated time.



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For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.V.Manoharan
Additional Government Pleader

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 respondents on 19.09.2023, seeking for revocation of his suspension dated 21.04.2023. 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 amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of



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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 second respondent herein to consider the petitioner's representation dated 19.09.2023 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.

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Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.The District Collector,
Perambalur District.
- 2.The Tahsildar,
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