



WEB COPY



W.P.No.29005 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.29005 of 2023

Aplosan

...Petitioner

Vs

The Commissioner,
Perambalur Municipality,
Perambalur.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to revoke the suspension order passed in his proceedings Na.Ka.No.2185/2021/C1 dated 08.04.2021 and to reinstate the petitioner into service with all attendant benefits, by considering his representation dated 02.08.2023 in the light of G.O.(Ms).No.81 Human Resources Management (N) Department dated 04.08.2022 within a stipulated time.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : Mr.M.Bindran
Additional Government Pleader



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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. The petitioner herein had given a representation to the respondents on 02.08.2023, seeking for revocation of his suspension dated 08.04.2021. 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 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 02.08.2023 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

hvk

To

The Commissioner,
Perambalur Municipality,
Perambalur.



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M.S.RAMESH,J.

hvk

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