



W.P(MD)No.17999 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.17999 of 2023

Thirumaran

...Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
Kannangudi,
Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 05.06.2023 followed by the petitioner's reminder representation, dated 14.07.2023 and to reinstate the petitioner in service by revoking suspension order passed by the first respondent in Roc.R1/15721/2022, dated 19.05.2022.

For Petitioner : Mr.S.Poornachandran

For R-1 : Mr.P.Thambidurai,
Government Advocate

For R-2 : Mr.N.Muthuvijayan
Special Government Pleader



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ORDER

The present writ petition has been filed seeking direction to the first respondent to consider the petitioner's representation, dated 05.06.2023 followed by the petitioner's reminder representation, dated 14.07.2023 and to reinstate the petitioner in service by revoking suspension order passed by the first respondent in Roc.R1/15721/2022, dated 19.05.2022.

2. Heard the learned Counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Special Government Pleader appearing for the second respondent and carefully perused the materials available on record.

3. The petitioner joined as a Junior Draughting Officer in the year 2010 and his probation period was completed on 11.12.2011. After being regularized in service, he was promoted as Assistant Engineer on 23.10.2014. His probation was declared on 22.10.2016. On 30.04.2020, he was transferred to Kannangudi Panchayath.



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4. On the complaint lodged by one Subramanian, who is the Panchayat Union President of Theralapur, an FIR has been registered in Crime No.1 of 2022 on the file of the Vigilance and Anti Corruption, Madurai under Section 7 of the Prevention of Corruption Act. Thereafter, the petitioner was arrested on 18.05.2022 and subsequently enlarged on bail. Following which, he was placed under suspension by the proceedings of the first respondent on 19.05.2022 and was permitted to get subsistence allowance. Thereafter, the petitioner made a representation on 05.06.2023 to the first respondent to reinstate him into the service. But, the same was not considered. Then, the petitioner has made a reminder representation to the first respondent on 14.07.2023 and the same was also not considered.

5. 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 respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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6. Without going into the merits of the case, this Court hereby direct the first respondent to consider the representations of the petitioner, dated 05.06.2023 and 14.07.2023 and pass appropriate orders in accordance to law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above said observation, this Writ Petition stands disposed of. There shall be no order as to costs.

05.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml/BTR

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
Kannangudi,
Sivagangai District.



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L.VICTORIA GOWRI, J.,

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