



W.P.(MD).No.19333 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19333 of 2023

T.Rajasekar

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Tenkasi District.

2.The Revenue Divisional Officer (RDO),
Office of the Revenue Divisional Officer,
Tenkasi Division,
Tenkasi 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 second respondent to revoke the suspension of the petitioner and reinstate him in the post of Village Administrative Officer in light of the G.O(Ms)No.40 (Personal and Administrative Reforms (N) Department) dated 30.01.1996 and G.O(Ms)No. 81 (Human Resource Management (N) Department) dated 04.08.2022.



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For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the second respondent to revoke the suspension of the petitioner and reinstate him in the post of Village Administrative Officer in light of the G.O(Ms)No.40 (Personal and Administrative Reforms (N) Department) dated 30.01.1996 and G.O(Ms)No. 81 (Human Resource Management (N) Department) dated 04.08.2022.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the respondents and carefully perused the materials available on record.



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3. The petitioner is kept under prolonged period of suspension for the past two years and seven months from 01.12.2020. The petitioner approached the second respondent on several occasions in person, gave his explanation and sought for revoking his suspension and reinstate him in service. However his request was not considered by the second respondent. Thereafter, he made representations on 08.01.2021 and 29.07.2023 to the respondents seeking to revoke his suspension. However, the same is not considered so far. Hence, the present writ petition came to be filed.

4. The learned Additional Government Pleader for the second respondent has filed a counter and he submitted that it is not a fit case for the suspension to be revoked, since the matter is on the basis of a complaint before the Vigilance and Anti Corruption office, Tirunelveli.

5. However, in the light of G.O(Ms)No.40 of the Personal and Administrative Reforms (N) Department, dated 30.01.1996 and G.O(Ms)No.81 of the Human Resource Management (N) Department, dated 04.08.2022, Madurai, the petitioner pressed for allowing the writ petition. It is no more *res*



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integra that an employee should not be kept under prolonged period of suspension for more than three months.

6. 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.

7. In view of the same, without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representations, dated 08.01.2021 and 29.07.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. With the above said observation, this writ petition stands disposed of.

There shall be no order as to costs.

25.09.2023

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

To

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L.VICTORIA GOWRI, J.

BTR

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