



W.P.(MD).No.20724 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20724 of 2023

M.James Jeyaraj

... Petitioner

Vs

The Executive Officer,
Courtalam Special Grade Town Panchayat,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to complete and drop the departmental action initiated against the petitioner, vide charge memo in Na.Ka.No.576/2015 A1, dated 24.05.2018 in the light of the inquiry officer's report, dated 26.08.2020 and release the other withheld benefits and payments to the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Vijayshankar

For Respondent : Mr.P.Thambidurai
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the respondent to complete and drop the departmental action initiated against the petitioner, vide charge memo in Na.Ka.No.576/2015 A1, dated 24.05.2018 in the light of the inquiry officer's report, dated 26.08.2020 and release the other withheld benefits and payments to the petitioner, within a time frame to be fixed by this Court..

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

3.Heard, Mr.V.Vijayshankar, learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for the respondent. Perused the materials on record.

4.(i).The petitioner was appointed as Pharmacist on 03.12.2012 in the respondent Town panchayat and his probation was declared with effect from 05.12.2014. However, on 25.11.2016, the respondent placed the petitioner under suspension, alleging that the petitioner has secured the



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appointment wrongfully, by submitting bogus physical disability certificate. Later, the suspension was revoked, pursuant to the order passed by this Court in W.P.No.3911 of 2018. Therefore, the petitioner was reinstated into service on 30.10.2018.

(ii)In the meanwhile, the departmental enquiry was initiated against the petitioner. An Enquiry Officer was appointed and after conducting enquiry submitted his report concluding that the charges against the petitioner were not proved on 26.08.2020.

(iii)Ever after passage of almost three years, the respondent is yet to pass final orders in the pending departmental proceedings. Hence, the petitioner made a representation on 05.07.2023, seeking to close the departmental proceedings in the light of the report of the Enquiry Officer.

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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its



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extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. It is made clear that without going into the merits of this case, this Court hereby direct the respondent to consider the representation of the petitioner, dated 05.07.2023 and pass final orders on the pending department proceedings, in the light of the Enquiry Officer's report and in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

24.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM
To

The Executive Officer,
Courtalam Special Grade Town Panchayat,
Tenkasi District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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