



W.P.(MD).No.22313 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22313 of 2023

R.Palanimurugan

... Petitioner

Vs.

- 1.The Chairman cum Managing Director,
TNEB Limited,
No.144, Anna Salai,
Chennai-600 002.
- 2.The Chief Executive Engineer,
Personnel,
TANGEDCO Limited,
No.144, Anna Salai,
Chennai-600 002.
- 3.The Superintendent Engineer,
TANGEDCO Limited,
Madurai Electricity Distribution Circle / Metro,
Madurai-625 016.
- 4.The Executive Engineer,
TANGEDCO Limited,
Madurai Electricity Distribution West Metro,
Madurai-625 016.

... 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



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to revoke the suspension order passed by third respondent in his proceedings கு.எண்.524.செபொ/மே/மது/உநிஅ/நிமே/நிஉ1/கோ.தபநீ/அ.எண்.439/2023, dated 24.04.2023 in the light of the judgement rendered in *Ajaykumar Chowdhary vs. Union of India and others* reported in 2015 (3) CTC 119 and based on the petitioner's representation, dated 16.08.2023 and consequently direct the first respondent to reinstate him and post him in non-sensitive post.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.M.Parameswari
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the first respondent to revoke the suspension order passed by third respondent in his proceedings கு.எண்.524.செபொ/மே/மது/உநிஅ/நிமே/நிஉ1/கோ.தபநீ/அ.எண்.439/2023, dated 24.04.2023 in the light of the judgement rendered in *Ajaykumar Chowdhary vs. Union of India and others* reported in 2015 (3) CTC 119 and based on the petitioner's representation, dated 16.08.2023 and consequently direct the first respondent to reinstate him and post him in non-sensitive post.

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



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3. The petitioner joined as Helper on 21.03.2009 and after various promotions, he is discharging his duty as Commercial Inspector with the respondent Corporation. While so, a criminal case was registered against him and he was remanded to judicial custody for more than 25 days and hence, the fourth respondent suspended him from service on 24.04.2023. More than three months have elapsed and even thereafter, the suspension is not revoked. Hence, the petitioner made a representation to the respondents on 16.08.2023, requesting to revoke the suspension order. However, the same was not considered. Hence this writ petition came to be filed.

4. 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.



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5. In view of the same, this Court hereby direct the fourth respondent to consider the representation made by the petitioner on 16.08.2023 and pass appropriate orders, thereby getting a No Objection Certificate from the Vigilance and Anti Corruption Department, Madurai and thereafter revoke the suspension of the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed, accordingly. There shall be no order as to costs.

13.09.2023

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

To

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L.VICTORIA GOWRI, J.

BTR

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