



W.P.(MD).No.23715 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23715 of 2023

S.Mariappan

... Petitioner

Vs

The District Backward Classes and Minorities Welfare Officer,
Backward Classes and Minorities Welfare Department,
Dindigul 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 the disciplinary proceedings pending against the petitioner and pass final order therein by consider the petitioner's representation, dated 15.06.2022

For Petitioner : Mr.S.Sukumar

For Respondent : Mr.N.Muthu Vijayan
Special Government Pleader



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Course through regular stream, for which, he made another representation, dated 17.04.2018 to the respondent to grant unearned leave for the period from August 2018 to May 2020. While so, vide communication, dated 10.07.2018, the respondent informed the petitioner that his request has been forwarded to the Director/Commissioner of Backward Classes and Minorities Welfare Department, Chennai.

(ii).In the meanwhile, B.Ed., Course was started and he was also selected for the said course. So the petitioner on 31.07.2018 through proper channel communicated the respondent that he joined the B.Ed., Course in Vel College of Education at Palani. He has also completed the course in the month of June, 2020. However, the petitioner was visited with a show-cause notice issued by the respondent, dated 06.08.2019 and then issued with a charge memo for three counts that without sanction of unearned leave, he was absent from duty and the Cook post coming under Group-D cadre, there is no provision in the relevant rule to sanction prior permission and leave. On 18.02.2020, he duly submitted his explanation. Despite the same, departmental enquiry initiated against him remains un-concluded endlessly. Hence, the petitioner gave a representation, dated 15.06.2022 seeking the respondent to conclude the departmental proceedings pending against him and pass final



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orders. The same was not considered, as a result of which, the writ petition came to be filed.

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

6. Considering the limited relief sought for by the petitioner, this Court hereby direct the respondent to consider the representation of the petitioner, dated 15.06.2022 and conclude the departmental proceedings pending against the petitioner, within a period of two months, from the date of receipt of copy of this order.



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

27.09.2023

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

To

The District Backward Classes and Minorities Welfare Officer,
Backward Classes and Minorities Welfare Department,
Dindigul District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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