



W.P.(MD).No.755 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.755 of 2024

P.Chandra

... Petitioner

Vs

1. The Assistant Director Cum
Personal Assistant to District Collector,
Survey and Land Records (I/c),
Madurai District, Madurai - 625 020.

2. The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai 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 1st respondent to revoke the order of suspension passed in his proceedings in ROC. No.A4/3771/2023, dated 01.07.2023 in the light of the Clause - 11 (XI) of G.O. Ms. No.81 Human Resources Management (N) Department, dated 04.08.2022 and based on the petitioner's representation, dated 22.12.2023 and consequently direct the 1st respondent to reinstate the petitioner and post her in a non-sensitive post within the time limit stipulated by this Court.



W.P.(MD).No.755 of 2024

For Petitioner : Mr. G.Thalaimuthurasu

For Respondents : Mr.J.K.Jayaselan
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to revoke the order of suspension passed in his proceedings in ROC. No.A4/3771/2023, dated 01.07.2023 in the light of the Clause - 11 (XI) of G.O. Ms. No.81 Human Resources Management (N) Department, dated 04.08.2022 and based on the petitioner's representation, dated 22.12.2023 and consequently direct the 1st respondent to reinstate the petitioner and post her in a non-sensitive post within the time limit stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



W.P.(MD).No.755 of 2024

WEB COPY

4.(i).The petitioner joined in the first respondent Office as Field Assistant on 03.06.2011 through employment seniority. Thereafter, she was promoted as Field Surveyor on 01.06.2018 and then she was posted in the office of the second respondent as Firka Surveyor on 14.06.2022. On 30.06.2023 she was roped into a trap case by the Vigilance and Anti-Corruption, Madurai and a criminal case in Cr.No.6 of 2023, dated 30.06.2023 was registered by the Vigilance Department. For that, she was placed under suspension by the first respondent vide proceedings, dated 01.07.2023. She was continuously kept under suspension for more than 6 months and the first respondent ought to have reinstated the petitioner in service and posted her in any non-sensitive post as per Clause -II (XI) of G.O.Ms.No.81 of Human Resources Management Department, dated 04.08.2022. However, no steps have been taken so far. Therefore, she made a representation on 22.12.2023 to the first respondent and the same was not considered. Hence, this 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 respondents to consider the same on its own merits and pass appropriate orders



W.P.(MD).No.755 of 2024

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 scope of the relief sought for by the petitioner, without going into the merits of this case, this Court hereby direct the first respondent to consider the representation of the petitioner, dated 22.12.2023 and pass appropriate orders 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.

12.01.2024

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



W.P.(MD).No.755 of 2024

To

WEB COPY

1. The Assistant Director Cum
Personal Assistant to District Collector,
Survey and Land Records (I/c),
Madurai District, Madurai - 625 020.
2. The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.



WEB COPY



W.P.(MD).No.755 of 2024

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.755 of 2024

12.01.2024