



W.P.(MD).No.1717 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1717 of 2024

K.Ilango Samuel Peter

... Petitioner

Vs

1. The Director,
Gandhigram Institute of Rural Health and Family Welfare Trust,
Soundaram Nagar,
Ambaathurai, Gandhigram Post,
Dindigul - 624 302.

2. The Chairman,
Gandhigram Institute of Rural Health and Family Welfare Trust,
Soundaram Nagar,
Ambaathurai, Gandhigram Post,
Dindigul - 624 302.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to dispose of petitioner's appeal, dated 27.12.2023 within the time frame stipulated by this Court.

For Petitioner : Mr. G.Prabhu Rajadurai

For Respondents : Mr.Vijayasankar
Standing Counsel



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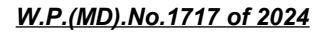
ORDER

The present writ petition has been filed seeking a direction to the the 2nd respondent to dispose of petitioner's appeal, dated 27.12.2023 within the time frame stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, the 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 Standing Counsel appearing for the respondents. Perused the materials on record.

4.(i).The petitioner is qualified with Diploma in Photography, Bachelor Degree in Physics and Post Graduation in Physics. He has also completed P.G.Diploma in Computer Applications in the year 1994, Diploma in Communication in the year 1995 and Master Degree in Mass Communication in the year 1996.



(iii).After a period of 23 years, the first respondent questioned the qualification of the petitioner followed by disciplinary proceedings by issuing a charge memo on the petitioner. On receipt of his explanation, the said proceedings were put to halt. Thereafter, again on 17.08.2023 the first respondent served the petitioner with a charge memo for the same set of charges and conduct an enquiry. The Enquiry Officer filed a report, dated 04.12.2023, in which, charge No.1 with respect to educational qualification was dropped. However, charge No.2 pertaining to the lack of alleged experience was held to be proved. Therefore, the petitioner was served with compulsory retirement vide order, dated 21.12.2023. In response to the same, the petitioner preferred an appeal on 27.12.2023 before the second respondent. However, the same was neither acknowledged nor responded. Therefore, the petitioner sent a reminder on 17.01.2024 and the same is also kept in abeyance. Hence, this writ petition came to be filed.



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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 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. In view of the same, without going into the merits of the case, this Court hereby directs the second respondent to dispose of the appeal preferred by the petitioner on 27.12.2023 in consonance with the reminder, dated 17.01.2024 and in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

30.01.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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30.01.2024