



W.P.(MD).No.1484 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1484 of 2024

A.Ramasundaram

... Petitioner

Vs

The District Collector,
Trichy District,
Trichy.

... 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 revoke the suspension order passed against the petitioner in RC.A3/13105/2014, dated 05.06.2014 on the file of the respondent in the light of the judgment, dated 01.08.2023 in C.C.No.2412 of 2019, on the file of the Judicial Magistrate No.II, Thiruchirapalli and re-instate the petitioner into the service by considering the petitioner's representation, dated 23.11.2023 within time limit prescribed by this Court.

For Petitioner : Mr. S.Saravana Kumar

For Respondent : Mr.C.Baskaran
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the respondent to revoke the suspension order passed against the petitioner in RC.A3/13105/2014, dated 05.06.2014, on the file of the respondent in the light of the Judgment, dated 01.08.2023 in C.C.No.2412 of 2019, on the file of the Judicial Magistrate No.II, Thiruchirapalli and re-instate the petitioner into service by considering the petitioner's representation, dated 23.11.2023 within time limit prescribed by this Court.

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

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

4.While the petitioner was working as Junior Assistant in the Taluk Office in District Collector, Thiruchirapalli, a criminal case was registered in Cr.No.163 of 2014 by the Sessions Court Police Station, Thiruchirapalli on



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14.05.2014 for the allegation of theft of free sarees and dhoties of the Government. Thereafter, the petitioner was placed under suspension by the respondent on 05.06.2014. In the meanwhile, a charge-sheet was filed in the said Crime No.163 of 2014 as C.C.No.2412 of 2019, on the file of Judicial Magistrate No.II, Thiruchirapalli. The petitioner was arrayed as A1 in the charge sheet. However, after full trial, the learned Magistrate had acquitted the accused persons in that case including the petitioner, by pronouncing Judgment on 01.08.2023. Therefore, the petitioner made a representation on 23.11.2023 to the respondent to revoke the order of suspension and to reinstate him in service and the same was not considered. Hence, this 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



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extraordinary powers under Article 226 of Constitution of India and direct the respondent 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 the case, this Court hereby directs the respondent to consider the representation of the petitioner, dated 23.11.2023 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.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

24.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

The District Collector,
Trichy District,
Trichy.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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