



W.P.(MD).No.1727 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1727 of 2024

A.V.Arul Singh

... Petitioner

Vs

1. The Chairman,
Arasu Rubber Corporation Board,
T.N.Bio-Diversity Green Project Office Building,
Vellachery-Tambaram Main Road,
Nanmangalam, Medavakkam Post,
Chennai – 600 100.

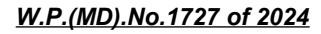
2. The Managing Director,
Arasu Rubber Corporation Ltd.,
Registered Office, Vadasery,
Nagercoil, Kanyakumari District-629 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to dispose of the appeal petition preferred by the petitioner, dated 29.08.2023 within a period stipulated by this Court.

For Petitioner : Mr. S. Rajasekar

For Respondents : Mr.A.K.Manickam
Special Government Pleader



The present writ petition has been filed seeking a direction to the first respondent to dispose of the appeal petition preferred by the petitioner, dated 29.08.2023 within a period 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, the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).On 08.08.1988, the petitioner was appointed as Field Assistant in the respondent Corporation. After 20 years of service, he was awarded with Special Grade and was promoted as Field Officer on 14.10.2016. He was retired from service on attaining the age of superannuation on 30.06.2023.



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(ii).The petitioner was issued with an order of suspension by the second respondent vide proceedings, dated 22.11.2019 and on 03.08.2020 he was issued with the charge sheet with 9 charges. As per the enquiry, the Enquiry Officer held that four out of nine charges were proved, thereby, the second respondent passed an order of punishment, dated 28.06.2023 and the order was served upon the petitioner only on 14.07.2023. Immediately, the petitioner has preferred an appeal on 29.08.2023. Though he made several reminders to the respondents with respect to his appeal, the same were 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 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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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 first respondent to dispose of the appeal preferred by the petitionenr, dated 29.08.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) 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.

30.01.2024

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

To

1. The Chairman,
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2. The Managing Director,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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