



WP(MD)No.3362 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3362 of 2024

C.Arul Mariya Dorjan

... Petitioner

Vs.

1.The Chairman cum Managing Director,
TNEB Limited,
No.144, Annasalai,
Chennai -600 002

2.The Chief Engineer (Personnel),
TANGEDCO Ltd.,
No.144, Annasalai,
Chennai – 600 002

3.The Chief Engineer,
TANGEDCO Ltd.,
Madurai Distribution Circle,
K.Pudhur,
Madurai – 625 007

4.The Superintending Engineer,
Ramanathapuram Distribution Circle,
Collector Office Post,
Ramanathapuram – 623 503

5.The Assistant Executive Engineer,
Ramanathapuram Distribution Circle,
Collector Office Post,
Ramanathapuram – 623 503

... Respondents



WP(MD)No.3362 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 1st respondent to revoke the suspension issued by the 5th respondent by his proceedings in Ku.No.U.Se.Po./Uu./Rama/Koo.Ma.Po./a.en.14/2023 dated 12.09.2023 in light of the judgment rendered in Ajaykumar Chowdry Vs. Union of India reported in (2015) 7 SCC 291 considering the petitioner's representation dated 26.12.2023.

For Petitioner : Mr.M.Jerin Mathew
For Respondents : Mrs.M.Parameswari
Standing Counsel

ORDER

Mrs.M.Parameswari, learned Standing Counsel takes notice for the respondents.

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

3. The petitioner is working as the Commercial Inspector in the office of the 5th respondent and based on the complaint given by one Shahaya Leone, First Information Report came to be registered against the petitioner by the Vigilance and Anti-corruption and the same is pending. Pursuant to the same, the petitioner was suspended by the proceedings of the 5th respondent dated 12.09.2023. The



WP(MD)No.3362 of 2024

petitioner was not served with the charge memo after 90 days and hence, the petitioner has made a representation on 26.12.2023 to all the respondents requesting to revoke suspension and posted him in the non-sensitive post. When the same was not considered, this Writ Petition came to be filed.

4. When the matter came up for admission, the learned Standing Counsel for the respondents submitted that since the suspension of the petitioner is pursuant to the registration of a criminal case as against the petitioner by the Department of Vigilance and Anti-corruption, unless and until No Objection Certificate is received from the Vigilance and Anti-corruption Department, the question of revoking the suspension will not arise.

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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



WP(MD)No.3362 of 2024

6. In view of the same, this Court hereby directs the 4th respondent to consider the representation made by the petitioner on 26.12.2023 and pass an appropriate orders after getting a No Objection Certificate from the Vigilance and Anti-corruption Department, Madurai District for revoking the suspension of the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs.

14.02.2024

Index : Yes/No
Internet : Yes/No
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WP(MD)No.3362 of 2024

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WP(MD)No.3362 of 2024

L.VICTORIA GOWRI, J.

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W.P.(MD)No.3362 of 2024

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