



W.P.(MD).No.3951 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3951 of 2024

K.Muthuramalingam

... Petitioner

Vs

The Secretary,
Government of Tamil Nadu,
Food and Co-Operation Department,
Chennai.

... 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 consider the petitioner's representations, dated 18.11.2021 and 07.08.2023.

For Petitioner : Mr. S.Vellaichamy

For Respondents : Mr.R.Baskaran
Additional Advocate General

Assisted by
Mr.M.Sarangan
Additional Government Pleader



W.P.(MD).No.3951 of 2024

WEB COPY

ORDER

The present writ petition has been filed seeking a direction to the respondent to consider the petitioner's representations, dated 18.11.2021 and 07.08.2023.

2.By consent of both parties, 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 Additional Advocate General appearing for the respondent. Perused the materials on record.

4.The petitioner was appointed as Co-operative Sub Registrar on 03.08.1974. On 09.10.1995, he was promoted as Deputy Registrar. He was about to retire on 31.01.2006. At the verge of his retirement, he was served with a charge memo containing three charges on 31.01.2006, for which, he was placed under suspension and he was not allowed to retire on 31.01.2006. Pursuant to the charge memo, the matter was referred to the Tribunal for



W.P.(MD).No.3951 of 2024

Disciplinary Proceedings, Coimbatore. An enquiry was conducted and the report was submitted by the Tribunal on 06.06.2007, following which, the petitioner was required to submit his explanation and the explanation was also duly submitted by him. On 18.11.2021 the petitioner sent a representation to the respondent to permit him to retire honourably. However, the same was not acted upon, he sent another reminder on 07.08.2023. Even after that nothing turned out positively. 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 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 direct the



W.P.(MD).No.3951 of 2024

respondent to consider the representations of the petitioner, dated 18.11.2021 and 07.08.2023 and pass appropriate orders in accordance with law, within a period of four (4) 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.

26.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To
The Secretary,
Government of Tamil Nadu,
Food and Co-Operation Department,
Chennai.



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W.P.(MD).No.3951 of 2024

L.VICTORIA GOWRI, J.

PNM

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W.P.(MD).No.3951 of 2024

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