



W.P.(MD).No.6596 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.6596 of 2024

R.Ponnudurai

... Petitioner

Vs.

The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandanam,
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 revoke the order of suspension and reinstate the petitioner to his position as Assistant Engineer without any further delay on the basis of the petitioner's representation, dated 29.02.2024.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The present writ petitions have been filed seeking direction to the respondent to revoke the order of suspension and reinstate the petitioner to his



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position as Assistant Engineer without any further delay on the basis of the petitioner's representation, dated 29.02.2024.

2. The petitioner was employed as an Assistant Engineer in the office of the Managing Director of Tamil Nadu Horticulture Department in Chennai. Earlier, he served as an Assistant Executive Engineer in Dharmapuri District and Cheranmahadevi. He was accused of constructing a farm pond and engaging in illegal sand mining while he was working at Cheranmahadevi. An F.I.R was registered in Crime No.417 of 2020. Though the petitioner's name was not initially included in the F.I.R, later the investigation was transferred to CB-CID. After which, the petitioner's name was included in the F.I.R. Following which, on 05.07.2022, he was arrested in connection with the accusations and subsequently, remanded to judicial custody. He was placed under suspension under Rule 17 (e) (2) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules on 12.07.2022. Even after a period of 1 & ½ years, the said suspension was not revoked. However, the petitioner's superior authority i.e., Assistant Director of Mines, who was also placed under suspension and who was arrested and remanded in the same alleged issue has been reinstated in service. But the petitioner's case is not considered. Hence, the



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petitioner made a representation on 29.02.2024 to the respondents seeking revocation of his suspension and reinstatement. Since the same was not considered, this writ petition came to be filed.

3. 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.

4. Without going into the merits of this case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 29.02.2024 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.

5. With the above said observations, this Writ Petition stand disposed of.
No costs.



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

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To

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L.VICTORIA GOWRI, J.



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