



W.P.(MD).No.8079 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8079 of 2024

A.Devasagayam

... Petitioner

Vs

1. The Commissioner of Backward Classes Welfare Office,
Chepakkam, Chennai - 5.
2. The Commissioner,
District Back Ward Classes and Ministries Welfare Office,
Nagapattanam.
3. The Joint Director,
Kallar Reclamation, Madurai - 20.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to sanction his full regularized payment with 12 percent interest, by considering the petitioner's representation, dated 16.02.2024 within the time stipulated by this Court.

For Petitioner : Mr. N.Juliet Latha

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to sanction his full regularized payment with 12 percent interest, by considering the petitioner's representation, dated 16.02.2024 within the time stipulated by this Court.

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 Government Pleader appearing for the respondents. Perused the materials on record.

4.The petitioner joined in the service as Junior Assistant on 23.10.2013 by the 1st respondent in Tamil Nadu Ministerial service by the TNPSC. While so, a case in Cr.No.234 of 2015 came to be registered against the petitioner, for which, he was arrested on 02.08.2015 and detained in



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custody for more than 48 hours. Therefore, he was suspended on 02.08.2015 and he was paid with subsistence allowance. However, for the period from 01.07.2021 to 14.06.2022, he was not paid with subsistence allowance. While so, he was acquitted by the learned Sessions Judge, Thanjavur on 25.02.2022. Thereafter, he was reinstated into service and joined in the 3rd respondent office vide proceedings, dated 28.06.2023. From 16.06.2022, his regular salary was disbursed. He made several representations, last of which was made on 16.02.2024 to the first respondent seeking to regularize his period of suspension with full regularized payment along with 12% interest. However, the same were 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 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 the respondents 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 direct the first respondent to consider the representation of the petitioner, dated 16.02.2024 and pass appropriate orders 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.

28.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Commissioner of Backward Classes Welfare Office,
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2. The Commissioner,
District Back Ward Classes and Ministries Welfare Office,
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3. The Joint Director,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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