



W.P.(MD).No.7911 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7911 of 2024

L.B.Rathakrishnan

... Petitioner

Vs.

The District Collector,
Theni District,
Theni.

... 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 suspension and post the petitioner in any of the non-sensitive post considering the petitioner's representation, dated 02.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.G.Thalaimuthurasu

For Respondent : Mr.C.Baskaran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondent to revoke the suspension and post the petitioner in any of the non-



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sensitive post considering the petitioner's representation, dated 02.02.2024 within the time stipulated by this Court.

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

3. The petitioner was appointed as Union Overseer on 15.10.2010. He was encountered in a trap case of illegal gratification on 28.06.2023. As a result of which, a criminal case came to be registered as against him in Crime No.2 of 2023 under Section 7 of the Prevention of Corruption Act, 1988. In view of the same, the petitioner was placed under suspension on 29.06.2023. Even after a passage of more than 6 months, the petitioner was not reinstated so far. A charge memo has also not been issued as against him. The petitioner made a representation on 02.02.2024 seeking reinstatement. Since the same was not considered, this writ petition came to be filed.

4. 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



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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.

5. Without going into the merits of this case, this Court direct the respondents to consider the representation of the petitioner, dated 02.02.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

28.03.2024

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

gbg

To

The District Collector,
Theni District,
Theni.



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L.VICTORIA GOWRI, J.

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