



W.P.(MD).No.9743 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.9743 of 2024

C.Bharathidasan,
Assistant,
District Backward Classes & Minority Welfare Office,
Trichy. ... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Backward Classes & Minority Welfare Office,
Secretariat, Chennai-9.
- 2.The Commissioner,
O/o.Directorate of Backward Classes & Minority Welfare,
2nd floor, Ezhilagam,
Cheappakkm, Chennai – 600 005.
- 3.The District Backward Classes & Minority Welfare Officer,
O/o.Backward Classes & Minority Welfare,
Theni.
- 4.The District Backward Classes & Minority Welfare Officer,
O/o.Backward Classes & Minority Welfare,
Trichy. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to regularize the period of suspension from 13.11.2018 to 06.11.2019 and treat the said period as duty period in view of the exoneration of criminal



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case in special sessions case No.36/2019 vide Judgment dated 16.06.2023 on the file of the First Additional District and Sessions Judge (PCR), Trichy and disburse all other consequential monetary benefits and to restore the seniority in the cadre of Assistant by considering the petitioner's representation dated 12.02.2024.

For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 12.02.2024 seeking for regularization for the period of suspension from 13.11.2018 to 06.11.2019 and to disburse all other consequential monetary benefits and to restore the seniority in the cadre of Assistant. Since the said representation was not considered, the present writ petition has been filed.



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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 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 12.02.2024 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the second respondent to consider the same on its own merits.



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WEB COPY 5. With the above direction, the Writ Petition stands **disposed of**.

No costs.

23.04.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

To:

- 1.The Principal Secretary to Government,
Backward Classes & Minority Welfare Office,
Secretariat, Chennai-9.
- 2.The Commissioner,
O/o.Directorate of Backward Classes & Minority Welfare,
2nd floor, Ezhilagam,
Cheappakkm, Chennai – 600 005.
- 3.The District Backward Classes & Minority Welfare Officer,
O/o.Backward Classes & Minority Welfare,
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