



W.P.(MD)No.13506 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.13506 of 2024

D.James Irudayaraj

... Petitioner

Vs.

1.The Station Director,
Koodankulam Nuclear Power Project,
Nuclear Power Corporation of India Ltd.,
Koodankulam Post,
Radhapuram Taluk,
Tirunelveli District.

2.State Rep by,
The Inspector of Police
Koodankulam Police Station,
Tirunelveli District.
(Crime No.07/2024)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to revoke the suspension of the petitioner forthwith by considering the representation of the petitioner dated 23.04.2024.

For Petitioner : Mr.K.Jeyamohan

For R-1 : Mr.C.Muthu Saravanan



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For R-2

: Mr.M.Lingadurai,
Special Government Pleader

ORDER

Heard Mr.K.Jeyamohan, learned counsel appearing for the petitioner, Mr.C.Muthusaravanan, learned counsel appearing for the first respondent and Mr.M.Lingadurai, learned Special Government Pleader appearing for the second respondent.

2. This Writ Petition has been filed seeking direction to the first respondent to revoke the suspension of the petitioner forthwith by considering the representation of the petitioner dated 23.04.2024

3. The case of the petitioner is that the petitioner is working as a 'Scientific Assistant' in the first respondent Office. The allegation made against the petitioner is that the petitioner and his brother had abused one Charlin by using filthy language and attacked him. Due to which, the said Charlin made a complaint against the petitioner herein and a case in Crime No.7 of 2024 has been registered against the petitioner for the offence punishable under Sections 294(b), 324, 307 and 506(ii) IPC and thereafter, the petitioner was granted bail



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by the learned Principal Sessions Judge, Tirunelveli in Crl.M.P.No.1854 of

2024. Hence, the petitioner is paid with 50% of salary as subsistence allowance. The grievance of the petitioner is that according to the Rules, the first respondent is duty bound to pay him with 75% of his salary as subsistence allowance after three months of suspension. But the first respondent is continuing to pay him only 50% of his salary as subsistence allowance. Hence, the petitioner made a detailed representation to the first respondent on 23.04.2024 requesting to revoke the petitioner's suspension. Since the same has not been considered, the petitioner has filed this present petition.

4. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the first 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. 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 first respondent is required to be given with a direction to consider the representation of the petitioner within a specified time frame.



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5. In the light of the above, this Writ Petition is **disposed of** with a direction to the first respondent to consider the petitioner's representation dated 23.04.2024 and pass appropriate orders on its own merits and in accordance with law within a period of four 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 respondents to consider the same on its own merits. No costs.

25.06.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.07/2024)



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R.N.MANJULA, J.

TSG

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