



W.P.(MD)No.14977 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.14977 of 2024

N.Sivakumar

... Petitioner

Vs.

1.The Chairman,
Gandhigram Institute of Rural Health
and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul-624 302.

2.The Director,
Gandhigram Institute of Rural Health and
Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post,
Dindigul-624 302.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to dispose of the appeal dated 16.05.2024 within a time frame stipulated by this Court.

For Petitioner : Mr.K.Vinoharan



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ORDER

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Heard Mr.K.Vinoharan, learned counsel for the petitioner.

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

3. The petitioner, who was working as Warden, was imposed with the punishment of dismissal from service on account of surcharge proceedings initiated against him. Aggrieved over the same the petitioner has filed before the first respondent an appeal dated 16.05.2024. Since the same was not considered so far, the petitioner has filed this writ petition with the aforesaid prayer.

4. It is needless to point out that whenever an appeal of this nature is made to a Government 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. 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



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the Constitution of India, the respondents are required to be given with a direction to consider the appeal of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's appeal dated 16.05.2024 on its own merits and pass appropriate orders 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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

08.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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- To
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R.N.MANJULA, J.

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