



W.P.(MD)No.17103 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17103 of 2024

U.Madasamy

... Petitioner

Vs.

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Revenue Divisional Officer,
Tenkasi Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation dated 09.02.2024 seeking to revoke the order of suspension passed by the second respondent in RDOTKS/856/2024-A4 dated 25.03.2024 and to reinstate the petitioner in the light of the order passed in W.P.No.8174 of 2024 and W.P.No.4645 of 2020 before the Madras High Court.



W.P.(MD)No.17103 of 2024

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

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

2. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

3. This Writ Petition has been filed seeking a direction to the respondents to consider the representation dated 09.02.2024 and to revoke the order of suspension passed by the second respondent in RDOTKS/856/2024-A4, dated 25.03.2024 and to reinstate the petitioner in the light of the order passed by this Court in W.P.No.8174 of 2024 and W.P.No.4645 of 2020 dated 27.03.2024 and 20.07.2022 respectively.

4. The petitioner was working as 'Village Administrative Officer' in Sernthamangalam Village, Kadayanallur Taluk, Tenkasi District. While being



W.P.(MD)No.17103 of 2024

so, one person, viz., B.Mathan, lodged a false complaint before the Deputy Superintendent of Police, Vigilance and Anticorruption, Tenkasi, against the petitioner herein and the same has been registered in Crime No.05 of 2024 for the offence punishable under Section 7 (a) of the Prevention of Corruption Act, 1988, alleging that the petitioner demanded illegal gratification of Rs.10,000/- from the above said B.Mathan on 21.03.2024 for the purpose of mutating the patta in his name. Based on the complaint, he was arrested and remanded to judicial custody on 22.03.2024. Due to which, the second respondent vide order dated 25.03.2024 suspended the petitioner from service. Therefore, the petitioner gave a representation to the first and second respondents to revoke his suspension on 09.02.2024. Since no action has been taken by the respondent Nos.1 and 2 so far, the present Writ Petition has been filed.

5. The learned Counsel for the petitioner would submit that though the petitioner made representations to the respondents 1 and 2 seeking to revoke suspension, the respondents have not considered the same so far and hence, he prayed for a direction to the respondents to consider the representation of the petitioner.



W.P.(MD)No.17103 of 2024

6. 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 respondents to consider the same on its own merits and pass appropriate orders, 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 extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

7. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the second respondent herein to consider the petitioner's representation dated 09.02.2024 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 second respondent to consider the same on its own merits. No costs.

25.07.2024

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



W.P.(MD)No.17103 of 2024

To

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W.P.(MD)No.17103 of 2024

R.N.MANJULA, J.

TSG

W.P.(MD)No.17103 of 2024

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