



W.P.(MD)No.27000 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2025

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THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.P.(MD)No.27000 of 2022

K.Moorthy

... Petitioner

vs.

The Commissioner and Special Officer,
Thanjaur City Municipal Corporation,
Thanjavur District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent herein to regularize the period of suspension of petitioner from 20.04.2021 ending with 05.05.2022 with pay, allowance, all monetary and service benefits together from 05.05.2022 as per the representation, dated 26.07.2022 within a reasonable time.

For Petitioner :Mr.V.S.Kumaraguru
For Respondents :Mr.N.Dilipkumar

ORDER

This Writ Petition has been filed under Article 226 of the Constitution of India, to direct the respondent herein to regularize the period of suspension of the petitioner from 20.04.2021 ending with 05.05.2022 with pay, allowance, all monetary and service benefits together from 05.05.2022 as per the representation, dated 26.07.2022 within a reasonable time.



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WEB COPY 2.The facts of the case in a nut shell, led to filing of this Writ Petition and necessary for disposal of the same, are as follows:-

(a)The petitioner was appointed as Wireman on 01.12.1995 in the respondent Corporation and by an order, dated 20.04.2021, the petitioner was placed under suspension on 20.04.2021. After conclusion of the disciplinary enquiry, the charges were not proved and the suspension order was revoked by order, dated 04.05.2022. Claiming regularisation of the period between 20.04.2021 to 05.05.2022, the petitioner had made several representations to the respondent and the last representation was dated 26.07.2022. However, till date, the same has not been considered by the respondent. In such circumstances, this Writ Petition has been filed seeking the relief as stated above.

3.Heard Mr.V.S.Kumaraguru, learned Counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondent.

4.The learned Counsel for the petitioner, while reiterating the averments made in the affidavit filed in support of this Writ Petition, submits that the petitioner has made several representations to decide the grievances and claim of the petitioner before the respondent, however, till date, no action



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was taken and the respondent has not decided the representation. Thus, he submits that a positive direction may be given to the respondent to consider the representation and decide the same by way of a reasoned and speaking order on merits and in accordance with law within a time frame that may be stipulated by this Court.

5.Mr.N.Dilip Kumar, learned Standing Counsel for the respondent submits that the petitioner is not entitled for the relief claimed in the Writ Petition. However, if the petitioner is aggrieved by any action of the respondent, he may file a fresh representation before the respondent and the same shall be considered by way of a reasoned and speaking order in accordance with law.

6.The request of the learned Sanding Counsel for the respondent appears to be genuine and justified. Accordingly, after considering the submissions made by the learned Counsel for both parties and perusing the records and averments made in the Writ Petition, this Court deems it appropriate that no useful purpose will be served in keeping this Writ Petition pending before this Court.

7.Accordingly, the petitioner is directed to file a fresh representation annexing the copy of the representation, dated 26.07.2022 before the



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respondent detailing his claim and grievances within a period of four weeks from today. If any such representation is filed by the petitioner before the respondent within the time stipulated by this Court, the respondent is directed to consider the same and pass a reasoned and speaking order on merits and in accordance with law, after giving sufficient opportunity to the petitioner, within a period of two months from the date of receipt of such representation. The respondent shall communicate the order to the petitioner through Registered Post with Acknowledgement Due (RPAD) within a period of two weeks from the date of passing the order.

8. With the above directions, this Writ Petition is finally disposed of. There shall be no order as to costs.

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

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SHAMIM AHMED, J.

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