

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.22838 of 2018

S. Mani

...Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Udhagamandalam, Nilgiris.

2. The Commissioner
Gudalur Municipality,
Gudalur, Nilgiris District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the second respondent to pass appropriate order based on the letter of the first respondent dated 02.11.2017 within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Franklin

For Respondent-1 : Mrs.Thanga Vadhana Balakrishnan
Additional Government Pleader

O R D E R

Heard, Mr.J.Franklin, the learned counsel appearing for the petitioner and Mrs.Thanga Vadhana Balakrishnan, learned Additional Government Pleader, who accepts notice on behalf of the respondent No.1.

2. The grievance of the petitioner, in this Writ Petition is that, while he was working as Sweeper in the second respondent's Office, Gudalur Municipality, he suffered an injury during the course of employment. He being unable to discharge his duty due to the injury sustained, he has been given alternate employment. However, his grievance is that, for the injuries sustained, i.e., amputation of his leg, he has not been given the compensation so also the medical expenses incurred has not been reimbursed. In this regard, the first respondent has recommended the case of the petitioner to the second respondent. The petitioner has also made a representation to the second

respondent to consider his case for payment of compensation as admissible to him in law as well as reimbursement of his medical expenses, vide representation dated 24.10.2017. But no order having been passed, he has come to this Court seeking a writ of mandamus directing the second respondent to pass orders on his representation in accordance with law within a stipulated time.

3. The learned counsel appearing for the petitioner submits that despite the communication sent by the first respondent to the second respondent requiring him to do the needful in the matter, the second respondent has not bothered to pass any orders. Hence, he prays that the second respondent may be directed to consider the representation of the petitioner taking note of the communication sent by the first respondent dated 02.11.2017 and necessary orders be passed within the time to be stipulated by this Court.

4. The learned Additional Government Pleader appearing for the first respondent, submits that the first respondent has nothing to do in this matter, inasmuch as, decision has to be taken by the second respondent.

5. Considering the limited nature of relief sought for by the petitioner, this Court is of the view that no reply affidavit is required from the second respondent and as such, dispose of this Writ Petition without hearing the second respondent with the relief sought for, as the same is going to cause no prejudice to the second respondent. Accordingly, this Court, without issuing notice to the second respondent dispose of this Writ Petition at the stage of admission, with a direction to the second respondent to take an informed and considered decision on the aforesaid representation of the petitioner keeping in mind the communication sent by the first respondent to him as well as the law and intimate the said decision to the petitioner within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediment. However, it is made clear that this order should not be treated as mandate of this Court to consider the representation of the petitioner in any particular manner, inasmuch as, this Court has not examined the merit of such representation in any manner. No costs.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

sd

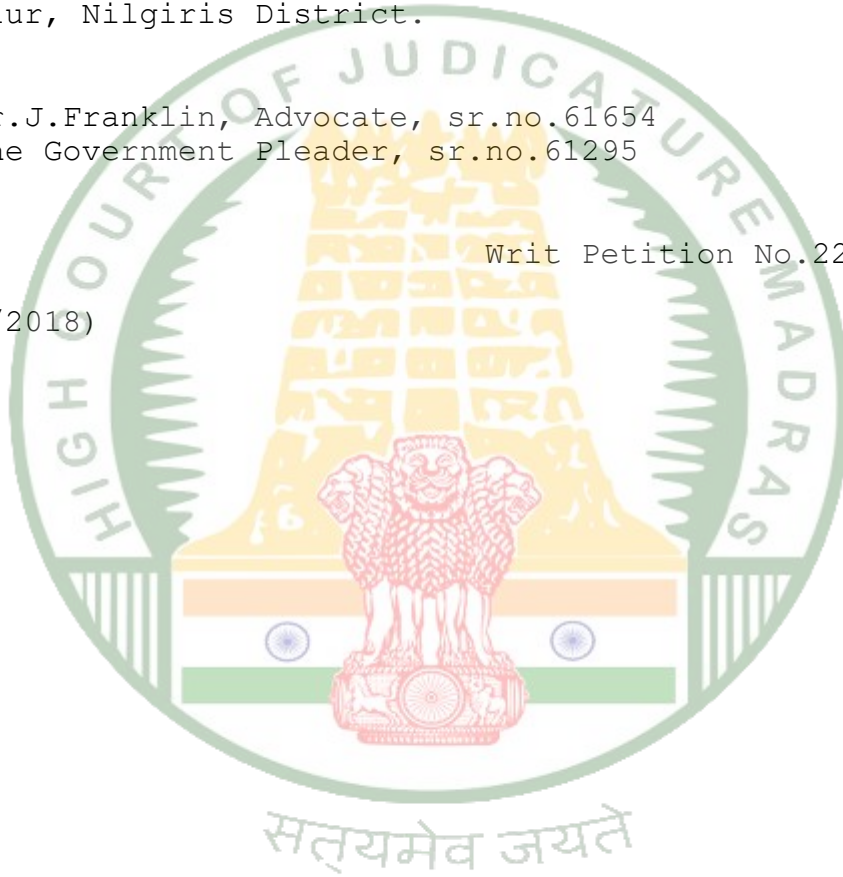
To

1. The District Collector,
Office of the District Collectorate,
Udhagamandalam, Nilgiris.
2. The Commissioner
Gudalur Municipality,
Gudalur, Nilgiris District.

+1cc to Mr.J.Franklin, Advocate, sr.no.61654
+1cc to The Government Pleader, sr.no.61295

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RMP (27/09/2018)



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