



W.P.No.30534 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30534 of 2018

S.Murugan

...Petitioner

Vs

1.The Principal Secretary to Government,
The Municipal Administration &
Water Supply Department,
Secretariat, Chennai - 600 009.

2.The Commissioner,
Commissionerate of Municipal Administration,
6th Floor, Ezhilagam Annex Building,
PWD Estate, Chepauk,
Triplicane, Chennai - 600 005.

3.The Principal Accountant General,
Accounts & Entitlements,
Tamil Nadu, No.361, Anna Salai,
Chennai - 600 016.

4.The Municipal Commissioner,
Arani, Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent



W.P.No.30534 of 2018

herein to consider the petitioner's representation dated 09.05.2018 seeking absorption of the petitioner's service at the Judicial Department from 03.11.1993 to 10.10.2007 with the petitioner's service as Typist at the Municipal Department since 12.10.2007 vide his appointment order dated 16.08.2007 by the proceedings of the Commissioner of Municipality, Thiruvannamalai for the purpose of pensionary benefits.

For Petitioner : Mr.S.Ayyadurai

ORDER

The present writ petition has been filed seeking for a direction to the second respondent herein to consider the petitioner's representation dated 09.05.2018, seeking absorption of his service at the Judicial Department from 03.11.1993 to 10.10.2007, for the purpose of pensionary benefits. The said representation has not been considered by the second respondent till date.

2. It is needless to point out that whenever a representation of this nature is made to a Statutory 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. As such, non-consideration of the representation by the



W.P.No.30534 of 2018

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Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 09.05.2018 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 expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

16.02.2023

Index: Yes/No

Speaking order/Non-speaking order

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W.P.No.30534 of 2018

M.S.RAMESH,J.

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To

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W.P.No.30534 of 2018

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