



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.25866 of 2019

and

W.M.P(MD).No.22380 of 2019

WEB COPY

A.Kannan

... Petitioner

vs.

- 1.The Director of Town Panchayath,
Commissionerate of Municipal Administration,
MRC Nagar, Chennai-28.
 - 2.The District Collector,
O/o.The District Collector Office,
Sivagangai District.
 - 3.The Assistant Director of Town Panchayath,
O/o.The Assistant Director of Town Panchayath Office,
Sivagangai District.
 - 4.The Executive Officer,
Town Panchayath,
Manamadurai,
Sivagangai District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the third respondent to appoint the petitioner to post of the driver, in the fourth respondent office, within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathiroy

For Respondent : Mr.C.M.Marichellaiah Prabhu,

Additional Government Pleader (for R1 to R3)

Mr.B.Bagawathy, Government Advocate (for R4)

O R D E R

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

2.Though the petitioner has sought for issuance of writ of mandamus to the third respondent to appoint the petitioner to post of the driver, in the fourth respondent office, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3.The petitioner would submit that he has already made representation dated 18.11.2019 to the third respondent in this regard, which is said to be pending. If the said representation is



directed to be disposed of within stipulated time, the ends of justice could be secure.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondent to consider the same on its own merit and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct the such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations, dated 18.11.2019 on its own merits and pass appropriate orders within a period of ten days from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in his representation. It is for the third respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To:-

1. The Director of Town Panchayath,
Commissionerate of Municipal Administration,
MRC Nagar, Chennai-28.
2. The District Collector,
O/o. The District Collector Office,
Sivagangai District.
3. The Assistant Director of Town Panchayath,
O/o. The Assistant Director of Town Panchayath Office,
Sivagangai District.
4. The Executive Officer,
Town Panchayath, Manamadurai,
Sivagangai District.

+1 CC to M/s.T.LAJAPATHIROY, Advocate (SR-103755[F] dated 06/12/2019
SMA/18/12/19/2P/6C

W.P. (MD) No.25866 of 2019
04.12.2019