



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26392 of 2019

WEB COPY

Subramanian @ Suresh

... Petitioner

/vs./

The Executive Officer,
Eruvadi Special Grade Town Panchayat,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondent to reinstate the petitioner into the service in the light of the order passed in W.A(MD) No.1467 and 1468 of 2015 dated 23.09.2016.

For Petitioner	: Mr.R.Ponkarthikeyan
For Respondent	: Mr.M.Rajarajan
	Government Advocated

ORDER

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 respondent to reinstate the petitioner into the service, in the light of the W.A(MD) No. 1467 and 1468 of 2015 dated 23.09.2016, it would not be appropriate for this Court owing to the veracity of such proceedings, since the same may differ from case to case. In my view, such a decision is to be taken by the respondent 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 on 05.12.2019 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 secured.

4.Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. 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 such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation, dated 05.12.2019 on its own merits and pass appropriate orders within a period of eight (8) 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 view with regard to the claim made by the petitioner in his representation and it is for the respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

cp

To:

The Executive Officer,
Eruvadi Special Grade Town Panchayat,
Tirunelveli District.

+1 CC to Mr.R.PON KARTHIKEYAN, Advocate (SR-104633[F] dated 12/12/2019)

Order made in
W.P. (MD) No. 26392 of 2019
12.12.2019

VB (03.01.2020) 2P 3C