



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.34 & 37 of 2020

WEB COPY

L. Lawrence Xavier

..Petitioner in W.P.(MD) No.34 of 2020

R.Satheesh Kumar

..Petitioner in W.P.(MD) No.37 of 2020

Vs

1. State of Tamil Nadu

Rep by its Principal Secretary to the Government
Department of Municipal Administration and Water Supply
Fort St.George
Secretariat
Chennai - 9

2. The Commissioner of Municipal Administration

O/o the Commissioner of Municipal Administration
Urban Administrative Office
Raja Annamalaipuram
Chennai - 28

..Respondents in both WPs

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to provide priority for the employment seniority of the petitioners at the time of selection and appointment for the post of Sanitary Inspector in accordance with the Government Order in G.O.Ms.No.129 Municipal Administration and Water Supply Department dated 20.07.1998 within the time period stipulated by this Court.

For Petitioner in both Wps : Mr.T.Lajapathi Roy

For Respondents in both WPs : Mr.M.Jeyakumar

Additional Government Pleader

C O M M O N O R D E R

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

2. Though the petitioners in both Writ Petitions have sought for issuance of Writ of Mandamus, directing the second respondent to provide priority for the employment seniority of the petitioners at the time of selection and appointment for the post of Sanitary Inspector in accordance with the Government Order in G.O.Ms.No.129 Municipal Administration and Water Supply Department dated 20.07.1998, in my view, such a decision is to be taken by



the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made their representations on 17.12.2019 in this regard, which are said to be pending. If the said representations are 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 second respondent herein to consider the petitioners' representation, dated 17.12.2019, 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 petitioners in their representations and it is for the respondents to consider it in accordance with law.

6. With the above directions, these Writ Petitions are ordered. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to the Government
State of Tamil Nadu
Department of Municipal Administration and Water Supply
Fort St.George
Secretariat
Chennai - 9



2. The Commissioner of Municipal Administration
O/o the Commissioner of Municipal Administration
Urban Administrative Office
Raja Annamalaipuram
Chennai - 28

WEB COPY

+1 CC to M/s.SPL.GP (SR-279[F] dated 06/01/2020)

+2 CC to MR.T.LAJAPATHIROY, Advocate (SR-480,481[F] dated
07/01/2020)

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