



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.01.2020**

CORAM:

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

W.P. (MD) No.425 of 2020

R.Selvamani

... Petitioner

/vs./

1.The Principal Secretary to Government,
Government of Tamilnadu,
Municipal Administration and Water
Supply (ME.4) Department,
Secretariat,
Chennai.

2.The Commissioner/Director of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Director of Local Fund Audit,
Chennai - 600 108.

4.The Regional Director of Municipal Administration,
Tirunelveli.

5.The Municipal Commissioner,
Nagercoil Municipality,
Nagercoil.

6.The Municipal Commissioner,
Colachel Municipality,
Colachel.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the sixth respondent to permit the petitioner to work in his original place as Overseer and to provide him all his service benefits w.e.f. 22.04.2019 by considering petitioner's representation dated 12.12.2019, within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R1 to R4 : Mr.M.Karuppasamy
Government Advocate

For R5 & R6 : Mr.P.Athimoolapandian



ORDER

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

2.The limited prayer sought for by the petitioner is that to consider the representation dated 12.12.2019 seeking for permitting him to work in his original place as Overseer and to provide him all his service benefits with effect from 22.04.2019.

3.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 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 such authority to consider the representation within the stipulated time.

4.In view of the above observations, there shall be a direction to the first respondents herein to consider the petitioner's representations dated 12.12.2019 on its own merits and pass appropriate orders within a period of six 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Principal Secretary to Government,
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+1 CC to MR.A.HAJA MOHIDEEN, Advocate (SR-1170[F] dated
09/01/2020)

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KM/(23.01.2020) 3P 6C