



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1064 of 2020

WEB COPY

Senthil Selvi

... Petitioner

/vs./

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Paramakudi Municipality,
Paramakudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the first respondent to grant continuation of service from date of initial appointment i.e., 05.11.1995 to date of reinstatement i.e., 21.01.1998 in the petitioner's Service Book for enabling to count her past service for pensionary and other benefits based on her representation dated 25.09.2019 within a stipulated time limit as may be fixed by this Court.

For Petitioner : Mr.S.Balakarthick

For R-1 : Mr.M.Karuppasamy
Government Advocate

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 direct the first respondent to grant continuation of service from date of initial appointment i.e., 05.11.1995 to date of reinstatement i.e., 21.01.1998 in the petitioner's Service Book for enabling to count her past service for pensionary and other benefits , 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 she has already made representation on 25.09.2019 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 first respondent herein to consider the petitioner's representation, dated 25.09.2019, on its own merits and pass appropriate orders within a period of twelve (12) 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 her representation and it is for the first 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 //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

1. The District Collector,
Ramanathapuram District, Ramanathapuram.

2. The Commissioner, Paramakudi Municipality, Paramakudi.

+1 CC to M/s.SPL.GP (SR-2334[F])

+1 CC to M/s.S.BALAKARTHIK, Advocate (SR-2609[F])

Order made in

W.P. (MD) No.1064 of 2020

Dated: 21.01.2020

avs (CO)

TP(06-02-2020)-2P 5C
<https://hseervices.ecourts.gov.in/hseervices/>