WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.1499 of 2020

P.Sureshkumar ... Petitioner

/vs./

1.The Secretary to Government of Tamil Nadu,
Commercial Tax & Registration Department,
Fort St George, Chennai -9.

2.The Principal Chief Secretary/
Commercial Tax Commissioner,
Ezhilagam, Chepauk,Chennai-5.

3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai 600 003.

4.The Joint Commissioner Commercial Taxes,
Madurai Division,
Madurai 625 020. ... 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 dispose of petitioner's mercy petition dated 17.08.2015 within time stipulated by this Court by reinstate the petitioner into service.

For Petitioner : Mr.D.Selvanayagam
For Respondents : Mrs.S.Srimathy
Special Government Pleader
(for R1, R2 & R4)
Mr.D.Sivaraman (for R3)

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 the petitioner is that to consider his mercy petition dated 17.08.2015 seeking for reinstatement in service.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

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 respondent herein to consider the petitioner's mercy petition, dated 17.08.2015 on its own merits and pass appropriate orders within a period of three (3) months 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 petition 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 (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1.The Secretary to Government of Tamil Nadu,
Commercial Tax & Registration Department,
Fort St George, Chennai -9.

2.The Principal Chief Secretary/
Commercial Tax Commissioner,
Ezhilagam, Chepauk,Chennai-5.

3.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai 600 003.

4.The Joint Commissioner Commercial Taxes,
Madurai Division,
Madurai 625 020.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-3301[F] dated 28/01/2020)
+1 CC to Mr.D.SIVARAMAN, Advocate (SR-3445[F] dated 28/01/2020)
+1 CC to SPL.GP (SR-3344[F] dated 28/01/2020)

Order made in
W.P.(MD) No.1499 of 2020
Dated:27.01.2020

MK (06.02.2020) 3P 8C

https://hcservices.ecourts.gov.in/hcservices/