



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2020

CORAM:

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

W.P. (MD) No.2104 of 2020

and

W.M.P. (MD) No.1755 of 2020

WEB COPY

Manikandan

... Petitioner

/vs./

1.The Director of Town Panchayats,
O/o., The Director of Town Panchayats,
7th & 8th Floors, Town Administrative Office,
Chennai 600 028.

2.The District Collector,
Collectorate,
Theni, Theni District.

3.The Assistant Director of
the Regional Town Panchayat,
Regional Office, Poothipuram Road,
Theni.

4.The Executive Officer,
Markayankottai Town Panchayat Office,
Uthamapalayam Taluk, Theni District.

5.Ramraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to promote the petitioner as Bill Collector for Markandayan Kottai Town Panchayat, Theni District after made necessary correction in his service register regarding his educational qualification and Heavy Vehicle Driving licence by considering his representation dated 01.12.2019.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.C.M.Mari Chellaiah Prabhu

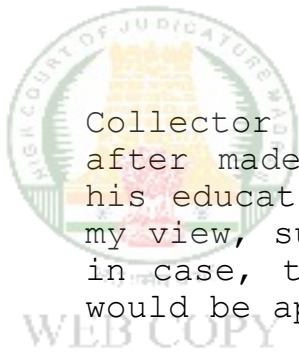
Additional Government Pleader (for R1 to R4)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the fifth respondent, notice to him is dispensed with.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to promote the petitioner as Bill

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Collector for Markandayan Kottai Town Panchayat, Theni District after made necessary correction in his service register regarding his educational qualification and Heavy Vehicle Driving licence, in my view, such a decision is to be taken by the fourth 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 01.12.2019 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 fourth respondent herein to consider the petitioner's representation, dated 01.12.2019, after giving due opportunity to the petitioner as well as the fifth respondent, 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 fourth respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

1.The Director of Town Panchayats,
O/o., The Director of Town Panchayats,
7th & 8th Floors, Town Administrative Office,

<https://hcservices.ecourts.gov.in/hcservices/>
Criminal 600-028.



2.The District Collector,
Collectorate,
Theni, Theni District.

3.The Assistant Director of
the Regional Town Panchayat,
Regional Office, Poothipuram Road,
Theni.

4.The Executive Officer,
Markayankottai Town Panchayat Office,
Uthamapalayam Taluk, Theni District.

+1 CC to M/s.SPL GP (SR-4551[F] dated 04/02/2020)

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-4579[F] dated 04/02/2020)

Order made in
W.P.(MD)No.2104 of 2020

SMA/13/02/2020/3P/7C