



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.02.2020**

CORAM:

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

W.P. (MD) No.2592 of 2020

and

W.M.P. (MD) No.2239 of 2020

Revinraj

... Petitioner

/vs./

1.The Director of Town Panchayat,
Kuralagam, Chennai.

2.The District Collector,
Kanyakumari District,
Nagercoil.

3.The Assistant Director of Panchayat,
Collectorate Office,
Nagercoil, Kanyakumari District.

4.The Executive Officer,
Mandaicadu Town Panchayat,
Mandaicadu and Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to allow the petitioner for continuance of the job as sanitary lorry Driver of the vehicle of the fourth respondent bearing No.TN 75 5627.

For Petitioner : Mr.A.Rajkumar Sen

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader
(for R1 to R3)

Mr.S.Angappan (for R4)

ORDER

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

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to allow the petitioner for continuance of the job as sanitary lorry Driver of the vehicle of the fourth respondent bearing No.TN 75 5627, in my view, such a decision is to be taken by the third 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 05.02.2019 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 third respondent herein to consider the petitioner's representation, dated 05.02.2019, on its own merits and pass appropriate orders within a period of six (6) 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 third 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 (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk



To:

- 1.The Director of Town Panchayat,
Kuralagam, Chennai.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Assistant Director of Panchayat,
Collectorate Office,
Nagercoil, Kanyakumari District.
- 4.The Executive Officer,
Mandaicadu Town Panchayat,
Mandaicadu and Post,
Kanyakumari District.

+1 CC to M/s.A.RAJKUMARSEN, Advocate (SR-5570[F] dated 11/02/2020)
+1 CC to M/s.SPL.GP (SR-5820[F] dated 12/02/2020)

Order made in
W.P. (MD) No.2592 of 2020
Dated: 11.02.2020

JMN(24.02.2020) 3P : 7C