



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.14168 of 2020

and

W.M.P (MD) No.11827 of 2020

P.Muthuchamy

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Assistant Director of Town Panchayats
Office of the Assistant Director of
Town Panchayats
Theni Region at Palanichettipatty.

3.The Executive Officer,
Thenkarai Town Panchayat
T.Kallipatti, Periyakulam Taluk,
Periyakulam Taluk,
Theni District.

... Respondents

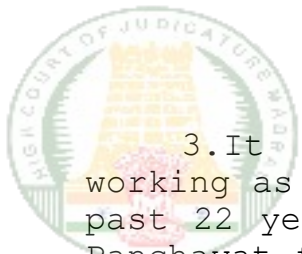
PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to consider the promotion of petitioner as Driver in the vacancy caused in the third respondent Town Panchayat from 31.01.2020 as per the representation of the petitioner, dated 16.04.2020.

For Petitioner	: M/s.T.Swathisankaravadhanan
For Respondents	: Mr.K.P.Narayanakumar Special Government Pleader (for R1 and R2)
	: Mr.D.Muruganantham Additional Government Pleader (for R3)

O R D E R

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

2.This Writ Petition has been filed to direct the respondents herein to consider the promotion of the petitioner as Driver in the vacancy caused in the third respondent Town Panchayat from 31.01.2020, as per the representation of the petitioner, dated 16.04.2020.



3.It is the grievance of the petitioner that he presently working as Sanitary Worker in the third respondent Panchayat for the past 22 years. The regular post of Driver in the third respondent Panchayat fell vacant from 31.01.2020. The petitioner has possessed all required qualifications for appointment of Driver. In this regard, he has given a representation on 16.04.2020. The said representation is pending with the third respondent. Though the petitioner has given a representation on 16.04.2020, there is an inordinate delay in disposing the representation on the part of the third respondent. Hence, without any other option, the petitioner has filed this judicial review petition and brought the said delay to the knowledge of this Court.

4.Mr.D.Muruganantham, learned counsel appearing for the third respondent would submit the third respondent is the contesting respondent and he is supposed to pass an appropriate order on the representation. Hence, he has to take appropriate instruction from the third respondent.

5.In view of the submission made by the learned counsel appearing on either side, it appears that taking instruction for disposal of the representation would cause further delay. The decision making process was already got delayed. Therefore, this Court is not inclined to accede the request of the third respondent. Hence, this Court would like to pass order to avoid further delay in disposing the representation. This Court also observed that already the representation was made in the month of April as COVID-19 pandemic is still in existing, there is every possibility for inordinate delay. Hence, this Court is constrained to pass the following order:-

The third respondent is directed to dispose of the representation dated 16.04.2020, within a period of four weeks from the date of receipt of a copy of this orders, on merits and in accordance with law.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

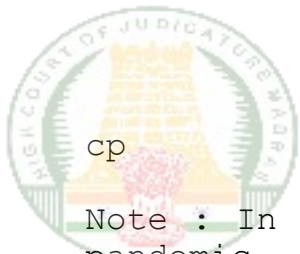
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

- 1.The District Collector,
Theni District.
- 2.The Assistant Director of Town Panchayats
Office of the Assistant Director of
Town Panchayats
Theni Region at Palanichettipatty.
- 3.The Executive Officer,
Thenkarai Town Panchayat
T.Kallipatti, Periyakulam Taluk,
Periyakulam Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-20050[F] dated 14/10/2020)

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12.10.2020

PU(CO)
KB(04.11.2020) 3P 5C