

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10820 of 2021

M.Kaveri

...Petitioner

Vs

1.The Government of Tamilnadu,
Rep by the Principal Secretary,
Rural Development & Panchayat Raj
Department,
Fort St.George,
Chennai- 600 0009.

2.The District Collector/Chariman,
District Rural Development Agency,
Tiruppathur District,
Tiruppathur.

3.The Project Director,
District Rural Development Agency,
Tiruppathur District,
Tiruppathur.

4.The Panchayat Union Commissioner,
Natrampalli Union,
Natrampalli,
Tiruppathur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to consider the claim of the petitioner for regularisation of her services in the post of Project Co-ordinator in Swachh Bharath Scheme, in Natrampalli Union, Tiruppathur District (Formerly at Vellore District) and to place her in regular time scale of pay and to grant consequential service and monetary benefits, in the light of her representation dated 28.10.2020.

For Petitioner : Mr.J.Muthukumarn

For Respondents: Mr.P.V.Selvakumar, AGP

O R D E R

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

2. Since the petitioner's request to the respondents to consider her claim for regularisation of her services in the post of Project Co-ordinator in Swatch Bharath Scheme, in Natrampalli Union, Tiruppathur District (Formerly at Vellore District) and to place her in regular time scale of pay and to grant consequential service and monetary benefits was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 28.10.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 28.10.2020, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 28.10.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Principal Secretary,
The Government of Tamilnadu,
Rural Development & Panchayat Raj Department,
Fort St.George,
Chennai- 600 0009.

2.The District Collector/Chariman,
District Rural Development Agency,
Tiruppathur District,
Tiruppathur.

3.The Project Director,
District Rural Development Agency,
Tiruppathur District,
Tiruppathur.

4.The Panchayat Union Commissioner,
Natrampalli Union,
Natrampalli,
Tiruppathur District.

+1cc to Mr.J.Muthukumaran , Advocate, S.R.No.26284/2021

+1cc to Mr. Government Pleader, S.R.No.26792/2021

W.P.No.10820 of 2021

JPL (CO)
SB(12/07/2021)

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