

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10446 of 2021

K.Pitchandi

...Petitioner

Vs

1.The Government of Tamil Nadu
Rep by its Additional Chief
Secretary,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai-600 009.

2.The Commissioner,
Corporation of Chennai,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to forthwith pass appropriate orders on the representation dated 31.12.2020 submitted by the petitioner seeking to reinstate him in service as project Officer without reference to the letter of the respondent in Letter No.27125/MC-3/2018-15, dated 16.12.2020.

For Petitioner : Mr.K.Raja

For Respondents: Mr.Govindasamy,
SGP for R1

Mrs.Karthika Ashok
Standing Counsel for R2

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 first respondent to reinstate him in service as Project Officer was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 31.12.2020, 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 first respondent to consider the petitioner's representation dated 31.12.2020, 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 first respondent herein to consider the petitioner's representation dated 31.12.2020, 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(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sbn

To

1. The Additional Chief Secretary,
The Government of Tamil Nadu,
Municipal Administration &
Water Supply Department,
Secretariat, Chennai-600 009.

WEB COPY

2. The Commissioner,
Corporation of Chennai,
Chennai.

+1cc to M/S.K. Raja, Advocate, S.R.No.25628

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.25785

W.P.No.10446 of 2021

VSNI (CO)
PM(13/07/2021)



WEB COPY