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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15168 of 2017

R.Chavan

...Petitioner

Vs

1. The District Collector,
Dharmapuri,
Dharmapuri District.
2. The District Issuing/Civil
Supplies Authority,
Dharmapuri,
Dharmapuri District.
3. The Special Tasildhar,
(Adhi Dhiravider Welfare)
Dharmapuri,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 11.04.2016 with regard to regularize the period from 19.07.2014 till the date of reinstatement viz., 19.01.2016 into service as duty period for all purposes with all consequential service and monetary benefits.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.Thippu Sulthan
Government Advocate

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 regularize the period from 19.07.2014 till the date of reinstatement viz., 19.01.2016 into service as duty period with all consequential service and



monetary benefits was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 11.04.2016, which is still pending.

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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 herein to consider the petitioner's representation dated 11.04.2016 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 to consider the petitioner's representation dated 11.04.2016 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks 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 II)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The District Collector,
Dharmapuri,
Dharmapuri District.



2. The District Issuing/ Civil Supplies
Authority,
Dharmapuri,
Dharmapuri District.

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3. The Special Tasildhar,
(Adhi Dhiravider Welfare)
Dharmapuri,
Dharmapuri District.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.30002

+1cc to the Government Pleader, S.R.No.30582

W.P.No.15168 of 2017

GPL (CO)
RLP (20/07/2021)