



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1212 of 2021

WEB COPY

P.Duraipandi

...Petitioner

Vs.

1.The Commissioner of Municipal Administration,
6th Floor, Ezhilagam Annex,
Chepauk, Chennai - 600 005.

2.The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to regularize the service of the petitioner as Sanitary Worker in the 2nd respondent corporation from the date of his initial appointment on completion of 3 years consolidated pay service as per the order of the Full Bench of this Court, dated 30.05.2017 made in Rev.Appln.Nos.223 and 254 of 2015 and pay the arrears of pay accrued thereon.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.S.Dayalan
Government Advocate

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.Since the petitioner's request to the respondents to regularize the service of the petitioner as Sanitary Worker in the 2nd respondent corporation from the date of his initial appointment on completion of 3 years consolidated pay service as per the order of the Hon'ble Full Bench of this Court, dated 30.05.2017 made in Rev.Appln.Nos.223 and 254 of 2015 and pay the arrears of pay accrued thereon, were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 23.03.2011, 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 second respondent herein to consider the petitioner's representation dated 23.03.2011, 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 view 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 second respondent to consider the petitioner's representation dated 23.03.2011, 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 (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Commissioner of Municipal Administration,
6th Floor, Ezhilagam Annex,
Chepauk, Chennai - 600 005.

2. The Commissioner,
Usilampatti Municipality,
Usilampatti, Madurai District.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-2109[F] dated 27/01/2021)

+1 CC to M/s.SPL GP (SR-2186[F] dated 27/01/2021)

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25.01.2021

ES (CO)

KK (09.02.2021) 2P 5C