



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3624 of 2021

and

W.M.P (MD) Nos.2936 and 2938 of 2021

WEB COPY

S.Vijaya Bharathi,
Overseer,
Thisaiyanvilai Town Panchayat,
Thisaiyanvilai,
Tirunelveli District.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.

2.The Director of Town Panchayat,
O/o. the Director of Town Panchayat,
No.7th & 8th Floor,
Urban Administrative Office Campus,
Raja Annamalai Puram, Chennai-28.

3.The District Collector,
O/o. the District Collector Office,
Tirunelveli District, Tirunelveli.

4.The Assistant Director of Town Panchayat,
O/o. the Assistant Director of Town Panchayat,
NGO Colony, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent vide his impugned proceedings in நகராண்.6498/2020/அ5 dated 02.02.2021 and quash the same as illegal insofar as the non inclusion of the petitioner's names in concerned and consequential direct the second respondent to promote the petitioner as Junior Engineer on par with her immediate Junior taking into consideration of the petitioner's seniority within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.S.Dhayalan
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. Though the petitioner had challenged the promotion of his junior vide impugned order dated 02.02.2021, the learned counsel for the petitioner would submit that he is giving up the prayer for a direction to quash the proceedings dated 02.02.2021 and that he would be satisfied, if the representation dated 11.12.2020 given by the petitioner, is directed to be considered by the second respondent within a stipulated time.

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 11.12.2020, 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 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 11.12.2020, 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. Consequently, connected miscellaneous petitions are closed.

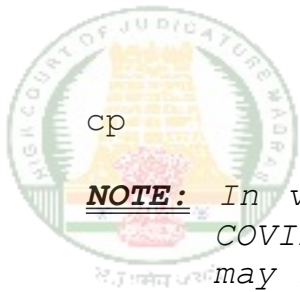
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

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 Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai.
 - 2.The Director of Town Panchayat,
O/o. the Director of Town Panchayat,
No.7th & 8th Floor,
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 - 3.The District Collector,
O/o. the District Collector Office,
Tirunelveli District,
Tirunelveli.
 - 4.The Assistant Director of Town Panchayat,
O/o. the Assistant Director of Town Panchayat,
NGO Colony,
Tirunelveli District.
- +1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-7103[F] dated 25/02/2021)
- +1 CC to SPL GP (SR-7235[F] dated 25/02/2021)

W.P. (MD) No.3624 of 2021
24.02.2021

VB (11.03.2021) 3P 7C