



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4496 of 2021

Nallasamy

...Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Chennai - 15.

3.The District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent herein to count the services rendered by the petitioner in the post of Part Time Panchayat Clerks for the purpose of pension and retiral benefits together with all consequential benefits in view of G.O.Ms.39 dated 13.6.2011 and as per the order passed by this Honble Court in W.A.No.1111/2016, dated 22.3.2018, within time stipulated by this Court.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

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 count the services rendered by the petitioner in the post of Part Time Panchayat Clerks for the purpose of pension and retiral benefits together with all consequential benefits in view of G.O.Ms.39 dated 13.6.2011 and as per the order passed by this Honble Court in W.A.No.1111/2016, dated 22.3.2018, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a



representation in this regard on 26.12.2020, 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 herein to consider the petitioner's representation dated 26.12.2020, 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 first respondent to consider the petitioner's representation dated 26.12.2020, 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(Writs)

// 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 Principal Secretary to Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai - 600 009.



2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Chennai - 15.

3.The District Collector,
Office of the District Collector,
Dindigul,
Dindigul District.

+1 CC to M/s.SPL GP (SR-9165[F] dated 05/03/2021)

+1 CC to M/s.A.R.KANNAPPAN, Advocate (SR-9094[F] dated 05/03/2021)

W.P. (MD) No.4496 of 2021
04.03.2021

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