



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4845 of 2021

M.Subash

...Petitioner

Vs.

1.The State represented by
The Secretary to Government
Municipal Administration and Water
Supply Department,
Secretariat Fort St. George Fort,
Chennai - 600 009.

2.The Assistant Director of Town Panchayat,
Tirunelveli Zone,
Jowahar Nagar,
Tirunelveli Town & District.

3.The District Collector,
Collectorate,
Tirunelveli Post,
Tirunelveli District.

4.The Executive Officer,
Veeravanallur Selection Grade Town Panchayat,
Veeravanallur Post - 627 426,
Ambasamudram Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to absorb the petitioner in regular time scale, either as sanitary worker or any other equivalent cadre/in basic service as per the order issued by the Government in G.O.MS.No.385 Finance (Salaries) Department, dated 01.10.2010 and regularize the petitioner's 3 years service with all attendant monetary benefits.

For Petitioner : Mr.V.Pavel

For Respondents : Mr.V.P.M.Vaishnavi for R1 to R3
Government Advocate

Mr.M.Thilagar for R4
Government Advocate

O R D E R

By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

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2. Since the petitioner's request to the respondents to absorb the petitioner in regular time scale, either as sanitary worker or any other equivalent cadre/in basic service as per the order issued by the Government in G.O.MS.No.385 Finance (Salaries) Department, dated 01.10.2010 and regularize the petitioner's 3 years service with all attendant monetary benefits, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 29.08.2020, 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 respondents herein to consider the petitioner's representation dated 29.08.2020, 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 respondents to consider the petitioner's representation dated 29.08.2020, 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.

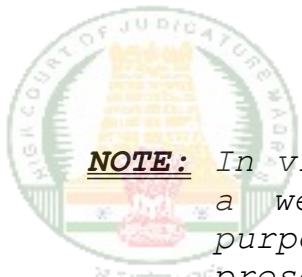
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

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- +1 CC to M/s.SPL GP (SR-10099[F] dated 10/03/2021)
(SR-10217[F] dated 10/03/2021)

W.P. (MD) No.4845 of 2021

09.03.2021

NA (CO)

KK(25.03.2021) 3P 6C