



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4960 of 2021

WEB COPY

Karuppasamy

...Petitioner

Vs.

1.The Secretary to Government,

Municipal Administration & Water Supply Department,

Secretariat,

Chennai - 600 009.

2.The Commissioner of Municipal Administration,

11th FLR, Urban Administrative Bldg.(OPP. CIBA BLDG75),

Santhome High Road, MRC Nagar,

Raja Annamalai Puram,

Chennai, Tamil Naud - 600 028.

3.The Regional Director of Municipal Administration,

Ram Popular Road, Manakavalam Pillai Nagar,

Tirunelveli - 627 002.

4.The Commissioner, Arupukkottai Municipality,

Arupukkottai,

Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularise the petitioner from the date of completion of 10 years of the petitioner service i.e. 15.03.1997 instead of 01.08.2004 as his date of joining service i.e 16.03.1987 and to pay consequential benefits for that to the petitioner by considering his representation dated 16.02.2021.

For Petitioner : Mr.R.Murugappan

For Respondents : Mrs.J.Padmavathi Devi for R1 to R3
Special Government Pleader
Mr.N.Dilip Kumar for R4

O R D E R

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

2.Since the petitioner's request to the respondents to regularise the petitioner from the date of completion of 10 years of the petitioner service i.e. 15.03.1997 instead of 01.08.2004 as his



date of joining service i.e 16.03.1987 and to pay consequential benefits for that to the petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 16.02.2021, 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 16.02.2021, 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 representations dated 16.02.2021, 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-II)

// 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

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- 3.The Regional Director of Municipal Administration,
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+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-10005[F] dated
10/03/2021)

W.P. (MD) No.4960 of 2021
09.03.2021

ES (CO)
TR(24.03.2021) 3P 5C