



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD)No.5891 of 2021

WEB COPY

Vasu

...Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.
 2. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Building (opp CIBA Building 75),
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai, Tamil Nadu - 600 028.
 3. The Regional Director of Municipal Administration,
Ram Popular Road,
anakavalam Pillai Nagar,
Tirunelveli - 627 002.
 4. The Commissioner,
Aruppukottai Municipality,
Aruppukottai,
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's service from the date of completion of 10 years of his service i.e. 15.03.1997 instead of 01.08.2004 as his date of joining service is 16.03.1987 and to pay consequential benefits for that to the petitioner.

For Petitioner	: Mr.R.Murugappan
For Respondent	: Mr.P.Kannithevan
Nos.1 to 3	Additional Government Pleader
For Respondent	: Mr.N.Dilip Kumar
No.4	

O R D E R

The representation dated 09.03.2021 submitted by the petitioner for regularising his services from 16.03.1987, instead of 01.08.2004 has not been considered by the respondents and therefore, the petitioner has filed the present writ petition.



2. 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.

3. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the representation of the petitioner dated 09.03.2021 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.

4. Accordingly, there shall be a direction to the respondents to consider the representation of the petitioner dated 09.03.2021 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.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Building (opp CIBA Building 75),
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai, Tamil Nadu - 600 028.



3. The Regional Director of Municipal Administration,
Ram Popular Road,
anakavalam Pillai Nagar,
Tirunelveli - 627 002.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-11794[F] dated 17/03/2021)

+1 CC to SPL GP (SR-12182[F] dated 18/03/2021)

W.P(MD)No.5891 of 2021

17.03.2021

VB (07.04.2021) 3P 6C