



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7219 of 2021

B.Dhayalasamy

...Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamaraj Salai, Chepauk,
Chennai - 5.
2. The Secretary-cum-General Manager,
Tamil Nadu Water Supply and Drainage Board,
No.31, Kamaraj Salai, Chepauk,
Chennai - 5.
3. The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Integrated Project Complex,
No.243/2, Thanjavur - Trichy Main Road,
Pillaiyarpatti,
Thanjavur - 613403.
4. The Executive Engineer,
Tamil Nadu Water Supply and Drainage Board,
(RWS Division),
Integrated Project Complex,
No.243/2, Thanjavur - Trichy Main Road,
Pillaiyarpatti,
thanjavur - 613403.
5. The Accounts Officer,
Tamil Nadu Water Supply and Drainage Board,
Integrated Project Complex,
No.243/2, Thanjavur - Trichy Main Road,
Pillaiyarpatti,
Thanjavur - 613403.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to dispose the petitioner's representation/appeal dated 04.09.2020 and consequently to pay the entire arrears of salary within a time frame as stipulated by this Court.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.Porkodi Karnan

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 first respondent to pay the entire arrears of salary was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 04.09.2020, which is still pending.



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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 04.09.2020, 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 04.09.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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.

Sd/-

Assistant Registrar (T&P)

// 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.

Kmm

To

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
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Chennai - 5.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Secretary-cum-General Manager,
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+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-14523[F] dated 30/03/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-14947[F] dated 31/03/2021)

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30.03.2021

GS (27.04.2021) 3P 8C