



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.7456 of 2021

N.Balamurugan

... Petitioner

Vs

1.The State of Tamilnadu,
Rep by its Secretary to Government,
Municipal Administration and Water
Supply Department (MAWS),
Secretariat, Chennai-600 009.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

3.The Commissioner,
Dindigul Corporation,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider and pass necessary orders on the proposal sent by the third respondent dated 07.06.2019 in Na.Ka.No.10485/2019/H2 with respect to the appointment of the petitioner on compassionate ground in the third respondent Municipal Corporation within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Kannan

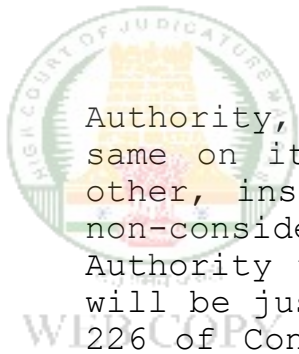
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

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 appoint him on compassionate ground in the third respondent Municipal Corporation was not considered, the Writ Petition has been filed. According to the petitioner, the third respondent has already sent a proposal to the first respondent in this regard on 07.06.2019 in Na.Ka.No.10485/2019/H2, which is still pending.

3. It is needless to point out that whenever a representation/proposal 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/proposal 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 proposal sent by the third respondent dated 07.06.2019, 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 proposal sent by the third respondent dated 07.06.2019, 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 (CO)

// 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.

CP

To

1. The Secretary to Government,
State of Tamilnadu,
Municipal Administration and Water
Supply Department (MAWS),
Secretariat, Chennai-600 009.

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



2.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

3.The Commissioner,
Dindigul Corporation,
Dindigul District.

+1 CC to M/s.SPL GP (SR-15333[F] dated 07/04/2021)

W.P. (MD) No.7456 of 2021

GS (28.04.2021) 3P 5C