



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.10732 of 2020

(Through Video Conference)

WEB COPY

D.Saravanakumar

... Petitioner

Vs

1. The Commissioner of Municipal Administration,
Santhome High Road,
Raja Annamalaipuram, Chennai 600 028

2. The Commissioner of Municipality,
Municipal Office, Chinnamanur Post,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 2nd respondent to consider the representations of the petitioner dated 02.07.2019 and 01.07.2020 in the light of the proceedings in அ.ஆ.எண்.10/2016/ஈ1 dated 07.11.2016 of the 2nd respondent to promote the petitioner as Driver in the existing vacancy of Driver, within a period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For Respondents : Mr.S.Dhayalan, Government Advocate
for R1

Mr.K.P.Krishnadoss,
Special Government Pleader for R2

O R D E R

Since the petitioner's request to consider his representations in the light of the proceedings in அ.ஆ.எண்.10/2016/ஈ1 dated 07.11.2016 of the 2nd respondent to promote the petitioner as Driver in the existing vacancy of Driver was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 02.07.2019 and 01.07.2020 , which are still pending.

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 second respondent herein to consider the petitioner's representations dated 02.07.2019 and 01.07.2020, 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.

4. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representations dated 02.07.2019 and 01.07.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sts

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:

1. The Commissioner of Municipal Administration,
Santhome High Road,
Raja Annamalaipuram, Chennai 600 028

2. The Commissioner of Municipality,
Municipal Office, Chinnamanur Post,
Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6002[F] dated 18/02/2021)

+1 CC to M/s.SPL GP (SR-6195[F] dated 19/02/2021)

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MA (CO)

KK(03.03.2021) 2P 5C

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