



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.13522 of 2020
(Through Video Conference)

R.Mariammal

... Petitioner

Vs

1. The District Collector,
O/o the District Collector,
Trichy.

2. The Special Officer & Commissioner,
O/o the Special officer &
Commissioner of Corporation,
Municipal Corporation,
Bharathidasan Salai,
Cantonment, Trichy.

3. The Assistant Commissioner,
O/o the Assistant Commissioner
of Corporation,
Srirangam Kottam, Trichy.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22.07.2020 seeking appointment on compassionate ground within the time period that may be stipulated by this Court and the same was not considered by them till date.

For Petitioner	: Mr.R.Rajesh
For R-1	: Mr.A.Muthukaruppan, Additional Government Pleader for R1
For RR 2 & 3	: Mr.N.S.Karthikeyan

O R D E R

Since the petitioner's request to the respondents seeking appointment on compassionate ground was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 22.07.2020, which is 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 representation dated 22.07.2020, 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 representation dated 22.07.2020, 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.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// 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.

To:

1. The District Collector,
O/o the District Collector,
Trichy.
2. The Special Officer & Commissioner,
O/o the Special officer &
Commissioner of Corporation,
Municipal Corporation,
Bharathidasan Salai,
Cantonment, Trichy.



3. The Assistant Commissioner,
O/o the Assistant Commissioner
of Corporation,
Srirangam Kottam, Trichy.

+1 CC to M/s.SPL GP (SR-5363[F] dated 16/02/2021)

+1 CC to M/s.R.RAJESH, Advocate (SR-5547[F] dated 17/02/2021)

W.P. (MD) No.13522 of 2020
15.02.2021

TP (CO)
KB (07.04.2021) 3P 6C