



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2598 of 2018

T.Ramachandran

...Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Adhi Dravidar and Schedule Tribes Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The District Collector,
Tuticorin District, Tuticorin.

3.The Tahsildar,
Thiruvaigundam Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to grant Government Job to the petitioner under the category of communal clash death of his father and brother by considering the petitioner's representation dated 16.08.2016, within a time frame to be stipulated by this Court.

For Petitioner : Mr.R.Ramachandran
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

O R D E R

Heard Mr.R.Ramachandran, learned counsel for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader for the respondents.

2.Since the petitioner's request to the respondents to grant Government Job to the petitioner under the category of communal clash death of his father and brother, was not considered, the Writ Petition has been filed. According to the petitioner, he has made an representation in this regard on 16.08.2016, which is still pending.



3.It is needless to point out that whenever a representation/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 respondents herein to consider the petitioner's representation, dated 16.08.2016, 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 respondents to consider the petitioner's representation, dated 16.08.2016, on its own merits and pass appropriate orders in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Secretary,
Government of Tamil Nadu,
Adhi Dravidar and Schedule Tribes Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

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



2.The District Collector,
Tuticorin District,
Tuticorin.

3.The Tahsildar,
Thiruvaigundam Taluk,
Tuticorin District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6162[F] dated 19/02/2021)

Order made in
W.P.(MD) No.2598 of 2018
18.02.2021

SSS (CO)
SRS (08/03/2021) 3P : 5C