



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31832 of 2012
and M.P.No.1 of 2014

S.Mohan

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Ezhilagam Annex 6th Floor,
Chepauk,
Chennai - 600005.

2.The Commissioner of Municipality
Gobichettipalayam,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioner as Junior Assistant from 07.03.2001 as per G.O.Ms.No.125 dated 27.05.1999 in time scale and to pay all attended benefits to the petitioner.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.E.Veda Bagath Singh [R1]
Special Government Pleader
Mr.P.Srinivas [R2]

ORDER

The petitioner herein had given representations to the second respondent requesting him to regularize his service as Junior Assistant as per G.O.Ms.No.125 dated 27.05.1999. Since the said representations were not considered, the present writ petition has been filed.



2. It is needless to point out that whenever representations of this nature are 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. Since the representations given by the petitioner are very old, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the second respondent herein to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second respondent herein, ventilating his grievances. On receipt of the same, the second respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Sni
To

1. The Commissioner of Municipal Administration,
Ezhilagam Annex 6th Floor,
Chepauk,
Chennai - 600005.



2.The Commissioner of Municipality
Gobichettipalayam,
Erode District.

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+1cc to Mr.V.Raghavachari, Advocate Sr.14527
+1cc to Mr.P.Srinivas, Advocate Sr.14404
+1cc to the Government Pleader Sr.15061

W.P.No.31832 of 2012

gpl[col]
srg 25/03/2022