



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.13518 OF 2022

AND

W.M.P.NO.12720 OF 2022

V.Sivakumar
Record Clerk,
Tirupattur Municipality,
Tirupattur District - 635 601.

... Petitioner

.Vs.

1. The Commissioner,
Tirupattur Municipality,
Tirupattur District - 635 601.

2. The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

3. The Regional Director of
Municipal Administration,
Vellore Region,
Vellore - 632 012.

... Respondents

PRAYER:-

This Writ Petition has been filed under Article 226 of the Constitution of India, to issue Writ of Mandamus to direct the first respondent to consider the representation of the petitioner dated 20.05.2022 seeking regular promotion as Junior Assistant/Revenue Assistant from 06.12.2019, as the second respondent has already granted permission in his Letter Na.Ka.No.521/2020/K3 dated 17.02.2021 to promote the petitioner and to pass appropriate orders within a reasonable period as may be fixed by this Court and meanwhile the first respondent may be restrained from filling the post by any other person.

For Petitioner : Mr.S.N.Ravichandran



For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

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ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 20.05.2022 seeking for the promotion to the post of Junior Assistant/Revenue Assistant. Since the said representation was not considered, the present writ petition has been filed.

3. 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.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 20.05.2022 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. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(T & P)
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

Dua/Pns



To

1. The Commissioner,
Tirupattur Municipality,
Tirupattur District - 635 601.
2. The Commissioner of Municipal Administration,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
3. The Regional Director of
Municipal Administration,
Vellore Region,
Vellore - 632 012.

+1cc to Mr.S.N.Ravichandran, Advocate, S.R.No.43003

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PL(CO)
PBS/17/06/2022