



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.38830 OF 2016

Saroja

... Petitioner

-Vs-

1. The Government of Tamil Nadu
Rep. by the Secretary,
The Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Town Panchayat,
Kuralagam Buildings,
Kuralagam,
Chennai - 600 108.

3. The Executive Officer,
Jalakandapuram Town Panchayat
(Municipality),
Salem 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 regularise petitioner's service from March 1998 the date of completion of petitioner's 3 years service and to pay a consolidated pay with all attendant and consequential benefits with arrears.

For Petitioner : Mr.T.K.S.Bharathy Anandraj

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader
For R1 & R2

Mr.S.Diwakar for R3



ORDER

The petitioner herein had made several oral representations and also sent representation dated 12.02.2016 to the respondents seeking to regularise her service. Since the 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 dates back in the year 2016, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents ventilating her grievances. On receipt of the same, the respondents shall consider it 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 fresh representation of the petitioner. 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.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Town Panchayat,
Kuralagam Buildings,
Kuralagam,
Chennai - 600 108.

3. The Executive Officer,
Jalakandapuram Town Panchayat
(Municipality),
Salem District.

+1cc to Mr.T.K.S.Bharathy Anandraj, Advocate, S.R.No.3291
+1cc to the Government Pleader, S.R.No.3427

W.P.NO.38830 OF 2016

PMK (CO)
PBS/08/02/2022