



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.12054 of 2022

and

W.M.P. (MD) No.8569 of 2022

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G.Mariamammal

... Petitioner

/vs./

1.The District collector,
Tirunelveli, Tirunelveli District.

2.The District Collector,
Tenkasi, Tenkasi District.

3.The Joint Director of Ex-Servicemen Welfare,
No.22, Raja Muthiah Salai, Chennai-600 003.

4.The Assistant Director of Ex-Servicemen Welfare,
Military Lanes, Tirunelveli-627 002. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to take action based on the petitioner's representation, dated 04.05.2022 and provide the petitioner the post of "Junior Assistant" taking into account the date of death of her husband, her seniority in the dairy and her educational qualification, at par with her juniors, who were given compassionate appointment as "Junior Assistant" overlooking the seniority of the petitioner, with retrospective from the date of joining of her juniors, in a time bound manner, giving due opportunity of hearing to the petitioner.

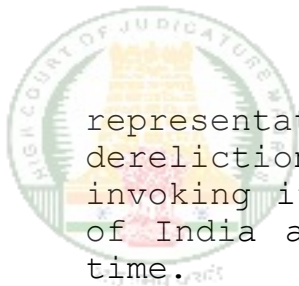
For Petitioner	:	Mr.K.Alagarsamy
For Respondents	:	Mrs.D.Farjana Ghouseia Special Government Pleader

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 04.05.2022 seeking for appointment to the post of "Junior 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.

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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 04.05.2022 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

btr/vji
To

1.The District collector,
Tirunelveli, Tirunelveli District.

2.The District Collector,
Tenkasi, Tenkasi District.

3.The Joint Director of Ex-Servicemen Welfare,
No.22, Raja Muthiah Salai, Chennai-600 003.

4.The Assistant Director of Ex-Servicemen Welfare,
Military Lanes, Tirunelveli-627 002.

+1 CC to M/s.SPL.GP (SR-26567[F] dated 17/06/2022)

+1 CC to M/s.K. ALAGARASAMY, Advocate (SR-26914[F] dated 20/06/2022)

W.P. (MD)No.12054 of 2022
16.06.2022

NSN (CO)

KB(28.06.2022) 2P 7C

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