



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.12531 of 2022

S.Panchavarnam

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort, St. George,
Chennai - 600 009.

2.The Director of Rural Development and Panchayat,
Panagal Building,
Chennai - 600 015.

3.The District Collector,
Office of the District Collector,
Dindigul.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent herein to count the services rendered by the petitioner herein in the post of Part Time Panchayat Clerk for the purpose of pension and retrial benefits together with all consequential benefits in view of G.O. Ms. 39, dated 13.06.2011 and as per the order passed by this Court in WA No.1111/2016, dated 22.03.2018, within time stipulated by this Court.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

O R D E R

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 16.10.2021 seeking to count the services rendered by the petitioner herein in the post of Part Time Panchayat Clerk for the purpose of pension and retrial benefits together with all consequential benefits in view of G.O. Ms. 39, dated 13.06.2011 and as per the order passed by this Court in WA No.1111/2016, dated



22.03.2018. 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 16.10.2021, in the light of the decision of this Court passed in W.P.(MD).No.15783 of 2018 dated 09.05.2019 and W.A.No.1111 of 2016, dated 22.03.2018 and pass appropriate orders in accordance with law, within a period of three **(3)** 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.

Sd/-

Assistant Registrar(CS-III)

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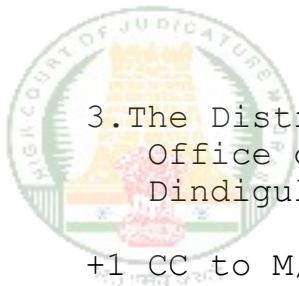
Sub Assistant Registrar(CS)

TM

To

1.The Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort, St. George,
Chennai - 600 009.

2.The Director of Rural Development and Panchayat,
Panagal Building,
Chennai - 600 015.



3.The District Collector,
Office of the District Collector,
Dindigul.

+1 CC to M/s.SPL.GP (SR-27149[F] dated 21/06/2022)

+1 CC to M/s.A.R. KANNAPPAN, Advocate (SR-27326[F] dated 22/06/2022

W.P. (MD) No.12531 of 2022
20.06.2022

NSN (CO)
KB (28.06.2022) 3P 6C