



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2022

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.12592 of 2022

R.Santhirarajan

...Petitioner

Vs

1.The Secretary to Government,
Department of Panchayat Raj and Rural Welfare,
Chennai - 600 009.

2.The Director,
Rural Development and Panchayat Raj,
Saithapet,
Chennai - 600 015.

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

4.The Commissioner,
Cumbum Union,
Cumbum,
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize/approve the service of the petitioner as a night watchman, in the fourth respondent union from the year of 01.04.1990 and to pay all attendant monetary and pension Benefits, based on the Representation of the petitioner dated 22.11.2021.

For Petitioner	: Mr.S.Ramsundarvijayraj
For R-1 to R-3	: Mr.A.Sivanu Pandian, Government Advocate.
For R-4	: Mr.Thambidurai, Government Advocate.

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
<https://hcservices.ecourts.gov.in/hcservices/>



first respondent on 22.11.2021 seeking for regularization/approval of the service as a night watchman, in the fourth respondent union from the year of 01.04.1990 and to pay all attendant monetary and pension benefits. Since the said representation was not considered, the present writ petition has been filed.

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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 second respondent herein to consider the petitioner's representation dated 22.11.2021 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 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-I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Nsr/Lm

To

1.The Secretary to Government,
Department of Panchayat Raj and Rural Welfare,
Chennai - 600 009.

2.The Director,
Rural Development and Panchayat Raj,
Saithapet,
Chennai - 600 015.



3.The District Collector,
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Theni.

4.The Commissioner,
Cumbum Union,
Cumbum,
Theni District.

+1 CC to M/s.SPL.GP (SR-27458[F] dated 22/06/2022)

+1 CC to M/s.S. RAMSUNDARVIJAYRAJ, Advocate (SR-27523[F] dated
22/06/2022)

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SE (CO)
KB(29.06.2022) 3P 7C