



WP(MD)No.14141 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **05.07.2022**

CORAM:

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

W.P.(MD)No.14141 of 2022

and

W.M.P(MD)No.10101 of 2022

C.Vadivel

... Petitioner

/vs./

1.The Director of Town Panchayat,
Office of the Director of Town Panchayat,
Chennai-600 028.

2.The District Collector,
Theni District,
Theni.

3.The Executive Officer,
Kombai Town Panchayat,
Theni District,
Madurai Zone.

4.The Assistant Director of Town Panchayat,
Office of the Director of Town Panchayat,
Theni Zone,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Mandamus, directing the respondents to appoint the petitioner



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to the post of Office Assistant in the third respondent Town Panchayat Commensurate with the qualification of the petitioner and to regularize the service of the petitioner in the post of Office Assistant / Junior Assistant with effect from 05.06.2013 in light of G.O.Ms.No.1499, dated 03.08.1989 and by considering the representation of the petitioner, dated 16.06.2022.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.A.Sivanupandian
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 respondents on 16.06.2022 seeking for appointment of the petitioner to the post of Office Assistant in the third respondent Town Panchayat Commensurate with the qualification of the petitioner and to regularize the service of the petitioner in the post of Office Assistant / Junior Assistant with effect from 05.06.2013 in light of G.O.Ms.No.1499, dated 03.08.1989. Since the said representation was not



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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 third respondent herein to consider the petitioner's representation dated 16.06.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



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5. With the above direction, the Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
btr/TM

To

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M.S.RAMESH, J.

btr/TM

Order made in
W.P.(MD)No.14141 of 2022

Dated:
05.07.2022