BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.15645 of 2022

T.Ganesan ... Petitioner

Vs.

1.The Additional Chief Secretary / Commissioner,
of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai.

2.The Joint Commissioner (ST),
Commercial Taxes Buildings,
Palayamkottai,
Tirunelveli District.

3.The Deputy Commissioner (ST),
Commercial Taxes Buildings,
Sivakasi,
Virudhunagar District. ... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner for temporary appointment in consonance with G.O.Ms.No.170, Personnel and Administrative Reforms (s) Department, dated 18.12.2009, within the time fixed by this Court.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.M.Siddharthan
Additional 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 22.01.2022 seeking for temporary appointment in consonance with G.O.Ms.No.170, Personnel and Administrative Reforms (s) Department, dated 18.12.2009. 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 22.01.2022 on its own merits 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.

01.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

TM

To

1.The Additional Chief Secretary / Commissioner,
of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai.

2.The Joint Commissioner (ST),
Commercial Taxes Buildings,
Palayamkottai,
Tirunelveli District.

3.The Deputy Commissioner (ST),
Commercial Taxes Buildings,
Sivakasi,
Virudhunagar District.

M.S.RAMESH,J.

TM

W.P.(MD) No.15645 of 2022

01.08.2022