



WP(MD)No.16460 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2022**

CORAM:

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

W.P.(MD)No.16460 of 2022

K.Kannan

... Petitioner

/vs./

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Block Development Officer (Village Panchayat),
Agastheeswaram Panchayat Union,
Perumalpuram,
Kottaram Post,
Kanyakumari District.
- 4.The President,
Leepuram Village Panchayat,
Leepuram Post,
Agastheeswaram Taluk,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e., the Secretary to Government, Rural Development and Panchayat Raj Department, Chennai to pass appropriate orders on the representation of the petitioner, dated 25.01.2020, to regularize his service in the cadre of Water Supplier in Leepuram Village Panchayat as that of his juniors Thiruvalargal T.Ramesh and E.Selvaraj who joined duty on daily wage on 26.12.1997 and 11.02.1998, based on the orders in W.P.Nos.41207 to 41210 of 2005, dated 25.11.2009, and confirmed in W.A.Nos. 1013 to 1016 of 2012, dated 11.08.2016, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For R-1 & R-2 : Mr.A.Sivanupandian
Government Advocate
For R-3 & R-4 : Mr.N.GA.Nataraj
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 25.01.2020 seeking to regularize his service in the cadre of Water Supplier in Leepuram Village Panchayat as that of his juniors Thiruvalargal T.Ramesh and



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E.Selvaraj, who joined duty on daily wage on 26.12.1997 and 11.02.1998, based on the orders in W.P.Nos.41207 to 41210 of 2005, dated 25.11.2009, and confirmed in W.A.Nos. 1013 to 1016 of 2012, dated 11.08.2016. 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 25.01.2020 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.



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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. There shall be no order as to costs.

27.07.2022

Index : Yes / No

Internet : Yes / No

btr

To

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Kanyakumari District,
Nagercoil.
- 3.The Block Development Officer (Village Panchayat),
Agastheeswaram Panchayat Union,
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M.S.RAMESH, J.

btr

4.The President,
Leepuram Village Panchayat,
Leepuram Post,
Agastheeswaram Taluk,
Kanyakumari District.

Order made in
W.P.(MD)No.16460 of 2022

Dated:
27.07.2022