



W.P.(MD) No.17080 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17080 of 2022

R.Thirupathi

... Petitioner

Vs.

**1.The Secretary to the Government,
Municipal Administration and Water Supply Department,
St. George Fort, Chennai.**

**2.The Commissioner,
Municipal Administration,
75, Santhom Road,
MRC Nagar,
Chennai – 28.**

**3.The Regional Director of Municipal Administration,
Ram Popular Road,
Tirunelveli – 2.**

**4.The Commissioner,
Virudhunagar Municipality,
Virudhunagar District.**

... Respondents

**PRAYER : Writ petition filed under Article 226 of the Constitution of India to
issue a writ of Mandamus, directing the 2nd respondent to grant rectification to**



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the proposal proceedings in Na.Ka.No.1095/E1/2021, dated 17.09.2021 of 4th respondent for having allowed the petitioner to continue in the service till 28.02.2021 and to direct the respondents to pay gratuity amount a sum of Rs.9,49,936/- based on the representations, dated 29.01.2022 and 09.07.2022, preferred by the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

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 representations to the respondents on 29.01.2022 and 09.07.2022 seeking to grant rectification to the proposal proceedings in Na.Ka.No.1095/E1/2021, dated 17.09.2021 of 4th respondent for having allowed the petitioner to continue in the service till 28.02.2021 and to pay gratuity amount a sum of Rs.9,49,936/- . 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 respondents herein to consider the petitioner's representations dated 29.01.2022 and 09.07.2022 Na.Ka.No.1095/E1/2021, dated 17.09.2021 and pass appropriate orders in accordance with law, within a period of six (6) 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.

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Index : Yes / No
Speaking Order/ Non Speaking Order

TM

To

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M.S.RAMESH,J.

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