



WP(MD)No.20326 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2022**

CORAM:

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

W.P.(MD)No.20326 of 2022

S.Premkumar

... Petitioner

/vs./

- 1.The Commissioner / Director,
Office of the Commissionerate of Town Panchayat,
7th Floor, MRC Nagar,
Chennai-28.
- 2.The Joint Commissioner,
Office of the Commissionerate of Town Panchayat,
7th Floor, MRC Nagar,
Chennai-28.
- 3.The Assistant Director,
Town Panchayat,
Sivagangai Region,
Sivagangai.
- 4.The Executive Officer,
Kamudhi Special Grade Town Panchayat,
Kamudhi,
Ramanathapuram 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 respondents to consider the petitioner's representations, dated 04.01.2022 and 07.01.2022 and consequently promote the petitioner as a Sanitary Supervisor as per their promotional panel list in Na.Ka.No.17 of 2017, dated 08.03.2017 and 01.03.2021.

For Petitioner : M/s.T.Veerakumar
For R-1 to R-3 : Mr.A.Sivanupandian
Government Advocate
For R-4 : Mr.A.Baskaran
Additional Government Pleader

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 first and fourth respondents on 04.01.2022 and 07.01.2022 seeking to promote him as a Sanitary Supervisor as per their promotional panel list in Na.Ka.No.17 of 2017, dated 08.03.2017 and 01.03.2021. Since the said representations were 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 04.01.2022 and 07.01.2022 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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30.08.2022

Index : Yes / No
Internet : Yes / No
btr/cp

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M.S.RAMESH, J.

btr/cp

Order made in
W.P.(MD)No.20326 of 2022

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