BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **20.06.2022**
CORAM:
THE HONOURABLE **MR.JUSTICE M.S.RAMESH**
W.P.(MD)No.22319 of 2018

C.M.Selvaganesan ... Petitioner

/vs./

1.The Commissioner of Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai - 600 005.

2.The Joint Commissioner (ST),
Thirunelveli Division,
Thirunelveli.

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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to regularize the petitioner's service as Sweeper under Special Time Bound Scale of Pay based on the recommendation of the second respondent in அ8/3791/2016 dated 13.09.2017 more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventhera Rajan
For Respondents : Mr.D.Suriyananth
Additional Government Pleader

ORDER

The petitioner herein had given a representation to the first respondent on 09.12.2016 seeking for regularization of the petitioner's service as Sweeper under Special Time Bound Scale of Pay, based on the recommendation of the second respondent in அ8/3791/2016 dated 13.09.2017. Since the said representation was not considered, the present writ petition has been filed.

2.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.

3.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 09.12.2016, as forwarded by the third respondent herein vide proceedings dated 13.09.2017, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.SPL.GP (SR-27178[F] dated 21/06/2022)

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MGJ(01.07.2022) 2P 5C