



WEB COPY



W.P.No.11878 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11878 of 2023

S.Kumar

...Petitioner

Vs

- 1.State of Tamil Nadu
rep. by its Principal Secretary to Government,
Rural Department & Panchayat Raj Department,
Fort St. George,
Chennai-600 009.
- 2.The Chairman and Managing Director,
Tamil Nadu Energy Development Agency,
5th Floor, EVK Sampath Maaligai,
68, College Road,
Chennai-600 006.
- 3.The Commissioner,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai-600 015.
- 4.The District Collector,
Krishnagiri District,
Tamil Nadu.
- 5.The Block Development Officer,
Burgur, Krishnagiri District,
Tamil Nadu.
[R2 cause title amended vide order
dated 21.04.2023 made in memo
in W.P.11878/2023 by PDAJ].

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the fourth respondent to regularise the petitioner in the post of Mechanic from the date of his initial appointment i.e., 20.09.1993 and pay all the attended benefits including promotion to which the petitioner is entitled to.

For Petitioner : Mr.Sudharshana Sunder

For Respondent : Mrs.R.Anita, SGP
Nos.1 to 4

For Respondent-5 : Mr.B.Tamilnidhi, AGP

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given several representations to the respondents seeking for regularisation of his service in the post of Mechanic from the date of his initial appointment i.e., 20.09.1993 and pay all the attended benefits, including promotion to which he is entitled to. Since his request was not considered, the present Writ Petition has been filed.



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3. It is needless to point out that whenever representations 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 representations 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 fourth respondent herein to consider the petitioner's request for regularisation of his post of Mechanic from the date of his initial appointment and pay all the attendant benefits including promotion to which he is entitled to, on its own merits and pass appropriate orders in accordance with law, within a period of four 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



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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.

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Index:Yes/No
Order: Speaking/Non-speaking
DP



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M.S.RAMESH,J.

DP

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