



W.P.No.14828 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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1.M.Saraswathi

2.M.Sathya

3.S.Rajathi

4.G.Pappa

5.K.Periammal

6.M.Vennila

7.P.Madheswari

8.S.Madheswari

9.P.Pushpa

10.P.Ramayi

11.S.Anjalam

12.M.Kasiammal

13.A.Parvathi



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14.K.Kanaga

15.V.Kolanji

16.V.Vasuki

17.V.Thilagavathi

18.A.Mathivanan

19.R.Sudha

20.S.Kalidoss

21.S.Pappathi

22.T.Nandhini

23.R.Anbarasan

...Petitioners

Vs

1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Labour Welfare and Skill
Development Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Municipal
Administration,
Chennai - 600 028.

3.The Commissioner,
Narasingapuram Municipality,
Narasingapuram - 636 108,
Salem District.



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4.Ms/.Eesha Associates,
494/4, Bommidi Main Road,
Denishpet, Omalur,
Salem - 636 354.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take appropriate administrative action to absorb the petitioners in the regular establishment of the third respondent municipality instead of engaging them as Contract Labour and take appropriate action under the Contract Labour (Regulation and Abolition) Act, 1970 and grant them all consequential benefits, as prayed for in the representation dated 15.04.2021.

For Petitioner : Mr.P.Rajendran

For R1 : Mr.S.Prabhakaran
Government Advocate

ORDER

Heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.S.Prabhakaran, learned Government Advocate for the 1st respondent.

2. In view of the order to be passed in this Writ Petition, notice to the respondents 2 to 4 is dispensed with.



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3. The petitioners herein had given a joint representation to the respondents on 15.04.2021 seeking administrative action to absorb them as regular employees and to grant all consequential benefits. Since the said representation was not considered, the present Writ Petition has been filed.

4. 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 him 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 the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioners' representation dated 15.04.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of



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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 made by the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

01.06.2023

Index:Yes/No

Speaking order/Non-speaking order
hvk

To

- 1.The Secretary to Government,
Labour Welfare and Skill
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- 2.The Commissioner of Municipal
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Chennai - 600 028.
- 3.The Commissioner,
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M.S.RAMESH,J.

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