



W.P.No.37046 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.37046 of 2016

Murali

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.

2.The Director of Town Panchayats,
Kuralagam Buildings, Chennai – 108.

3.The Executive Officer,
Tiruporur Town Panchayat,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 either to bring the petitioner under regular time scale from the date of issuance of G.O.Ms.No.198 MAWSS Department dated 26.10.1998, or to bring the petitioner under regular time scale from the date of absorbing him under consolidated pay or at least to bring the petitioner under regular time scale with effect from the date of completion of 1 year satisfactory consolidated pay by extending the principles and norms applied in the case



W.P.No.37046 of 2016

of Public Health employees and daily wages O.A. and R.C. worked in Town Panchayats vide G.O.Ms.No.84 MAWSS dated 21.05.1998 and G.O.Ms.No.125 MAWSS dated 27.05.1999 along with service and monetary benefits.

For Petitioner : Mr.P.I. Thirumoorthy

For Respondents : Mr.T.M. Rajangam,
Government Advocate

ORDER

The petitioner herein had given representation dated 19.08.2016, requesting the respondents to bring him under regular time scale in the light of certain Government Orders. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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



W.P.No.37046 of 2016

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. Since the representation given by the petitioner dates back to the year 2016, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation along with his earlier representation dated 19.08.2016, to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it 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 the representation. 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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.



W.P.No.37046 of 2016

M.S.RAMESH,J.

Sni

5. With the above direction, this Writ Petition stands disposed of.

No costs.

14.02.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

Sni

To

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.

2.The Director of Town Panchayats,
Kuralagam Buildings, Chennai – 108.

3.The Executive Officer,
Tiruporur Town Panchayat,
Kancheepuram District.

W.P.No.37046 of 2016