



W.P.No.17718 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17718 of 2023 and
W.M.P. No.16813 of 2023

R.Ashok Kumar

... Petitioner

Vs

1.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai – 600 009.

3.The Director of Town Panchayats,
Urban Administrative Office Campus,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the representation dated 01.06.2023 requesting for inclusion of his name in the panel prepared for the post of Selection Grade Municipal



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Commissioner for the year 2023-24, as on the crucial date 15.03.2023 and to pass appropriate orders, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.S.Prabhakaran,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner herein had given representations to respondents 1 and 2 on 30.05.2023 and 01.06.2023 for inclusion of his name in the panel for the post of Selection Grade Municipal Commissioner. Since the said representations were not considered, the present writ petition has been filed.

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 him to consider the same on its own merits and pass appropriate orders in one



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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 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 30.05.2023 and 01.06.2023, 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.

5.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 respondents to consider the same on its own merits.



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M.S.RAMESH,J.

vga

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

Consequently, connected W.M.P. stands closed. No costs.

16.06.2023

Index:Yes/No

Speaking order/Non-speaking order

vga

To

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