



WEB COPY



W.P.No.18748 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18748 of 2023

- 1.P. Kathiresan
- 2.K. Rangammal
- 3.Ganesan
- 4.K. Sarasu
- 5.K. Karuppammal
- 6.K. Subbammal
- 7.R. Makali
- 8.E.R. Makali
- 9.R. Selvi
- 10.K. Rajeswari
- 11.E.P. Makali
- 12.M. Rajeswari
- 13.Murthy
- 14.Shanmugam
- 15.Sakthivel
- 16.Lakshmanan
- 17.Palanisamy
- 18.Karupusamy
- 19.R. Nagaraj



W.P.No.18748 of 2023

20.P. Mani

21.Murugan

22.Subramani

23.P. Rangammal

... Petitioners

Vs.

1.State of Tamil Nadu,
Rep. by Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 009

2.The Commissioner,
Municipal Administration,
Chepauk, Chennai – 600 005.

3.The Commissioner,
Corporation of Coimbatore,
Coimbatore.

4.The Assistant Commissioner,
West Zone Corporation of Coimbatore,
Coimbatore.

5.The Executive Officer,
Goundampalayam Municipality,
Coimbatore.

... 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 to bring the petitioners into the regular time scale from the date on which they completed three years on consolidated pay services in the light of GO



W.P.No.18748 of 2023

Ms.No.199 Municipal Administration and Water Supply Department dated 12.08.1997 and the GO Ms.No.84 Municipal Administration and Water Supply Department dated 21.05.1998 and the judgment of Division Bench dated 23.06.2010 passed in WA No.47 & 385 of 2010 with all consequential service and monetary benefits.

For Petitioners : Mr.S. Francis

For Respondents : Mr.V. Manoharan,
Additional Government Pleader [R1 & R2]

Mr.N. Velmurugan [R3 & R4]

R5 – No appearance

ORDER

Heard the learned counsel for the petitioners, learned Additional Government Pleader for the respondents 1 and 2, as well as the learned counsel for the respondents 3 and 4.

2. The petitioners herein have given a representation to the third respondent on 09.03.2022, requesting to place them under regular time scale of pay on completion of three years of their service on consolidated pay. Since the said representation has not been considered till date, the present Writ Petition has been filed.



W.P.No.18748 of 2023

WEB COPY

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 them 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.

4. In the light of the above observations, there shall be a direction to the third respondent herein, to consider the petitioners' representation dated 09.03.2022, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



W.P.No.18748 of 2023

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

07.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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

2. The Commissioner,
Municipal Administration,
Chepauk, Chennai – 600 005.

3. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

4. The Assistant Commissioner,
West Zone Corporation of Coimbatore,
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5. The Executive Officer,
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W.P.No.18748 of 2023

M.S.RAMESH,J.

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W.P.No.18748 of 2023

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