



W.P.No.19499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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K.Marimuthu

...Petitioner

Vs

1.The District Collector,
Thiruppur, Thiruppur District.

2.The Assistant Director of Town Panchayat,
Erode Region, Tiruppur District.

3.The Executive Officer,
Madathukulam Town Panchayat,
Tiruppur District.

4.Tmt.Gomathi

5.The Executive Officer,
Avinasi Town Panchayat,
Tiruppur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated



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13.06.2023 to permit the petitioner to join duty as Sanitary Supervisor in vacant place [maternity leave] in Madathukulam Town Panchayat within a stipulated time.

For Petitioner : Mr.A.Baskaran
For R1 & R2 : Mr.P.Baladhandayutham
Special Government Pleader
For R3 & R5 : Ms.E.Indhumathi
Government Advocate

ORDER

Heard Mr.A.Baskaran, learned counsel for the petitioner, Mr.P.Baladhandayutham, learned Special Government Pleader for the respondents 1 & 2 and Ms.E.Indhumathi, learned Government Advocate for the respondents 3 and 5.

2. Since this Court is directing the first respondent to consider the petitioner's representation, no prejudice would be caused to the 3rd respondent and hence, notice to the 3rd respondent is hereby dispensed with.



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3. The petitioner herein had given a representation to the respondents on 13.06.2023, requesting for transferring him to Madathukulam Town Panchayat. The said representation has not been considered till date. Hence, the petitioner has approached this Court by way of this Writ Petition.

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 petitioner's representation dated 13.06.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks 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 petitioner 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.

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Index:Yes/No

Speaking order/Non-speaking order

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To

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M.S.RAMESH,J.

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