



W.P.No.29578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29578 of 2023
and W.M.P.No.29206 of 2023

M. Muthukumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipality Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director,
Commissionerate of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road,
Chennai – 600 028.
- 3.The District Collector,
District Collector's Office,
Tiruppur District,
Tiruppur.
- 4.The Chairman,
Local Compliance Committee,
Tiruppur.



W.P.No.29578 of 2023

5. The District Social Welfare Officer,
District Social Welfare Office,
Nos.35 & 36, District Collector's Office,
Tirupur.

... Respondents

[R6 & R7 deleted vide order dated 11.10.2023 made in WP.No.29578 of 2023 by VBSJ]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to reinstate the petitioner in the post of Municipal Commissioner (Grade II) and consequently direct the 2nd respondent to consider the petitioner for promotion to the post of Municipal Commissioner Grade I & Selection Grade Municipal Commission and direct the respondent to treat the period from 11.01.2022 to 17.06.2022 as duty period.

For Petitioners : Mr.L.P. Maurya

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader appearing for the respondents.



W.P.No.29578 of 2023

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2. The petitioner herein has given several representations to the respondents including the latest representation dated 28.09.2023 to the second respondent, seeking for promotion to the post of Municipal Commissioner Grade I and Selection Grade Municipal Commission and to treat the period from 11.01.2022 to 17.06.2022 as duty period. Since the said representation has not been considered till date, 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 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.



W.P.No.29578 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the second respondent herein, to consider the petitioner's representation dated 28.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks 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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.
No costs. Connected miscellaneous petition is closed.

01.11.2023

Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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W.P.No.29578 of 2023

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To

- 1.The Principal Secretary to Government,
Municipality Administration & Water Supply Department,
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Chennai – 600 009.
- 2.The Director,
Commissionerate of Municipal Administration,
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- 5.The District Social Welfare Officer,
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W.P.No.29578 of 2023

M.S.RAMESH,J.

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W.P.No.29578 of 2023

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