



WEB COPY



W.P.No.32587 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32587 of 2023

Ezhumalai Chinnaiyan

... Petitioner

Vs.

1.The Director of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Regional Direct of Municipal Administration,
Vellore Region,
Vellore Regional Directorate of Municipal Administration,
Vellore District.

3.The Commissioner,
Ulundurpettai Municipality,
Ulundurpettai, Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner for promotion to the post of Sanitary Supervisor in the Ulundurpettai Municipality as sought vide petitioner's representation dated 12.07.2022 and lastly dated 26.10.2023.



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For Petitioner : Mr.D. Senthur Kugan

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

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 has given representations to the third respondent on 12.07.2022 and lastly on 26.10.2023 to the respondents, requesting to consider him for promotion to the post of Sanitary Supervisor in Ulundurpettai Municipality. Since the said representations have not been considered till date, the present Writ Petition has been filed.

3. It is needless to point out that whenever 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,



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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 respondents herein, to consider the petitioner's last representation dated 26.10.2023, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

20.11.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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