



WEB COPY



W.P.No.34535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34535 of 2023

B.Ramakrishnan

...Petitioner

Vs

1. The Secretary to Government
Municipal Administration and Water Supply Department
Fort St.George, Chennai -9

2. The Director of Town Panchayat
M.R.C.Nagar, Chennai – 28

3. The Director of Municipal Administration
M.R.C.Nagar, Chennai – 28

4. The Commissioner
Hosur Corporation
Krishnagiri 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 petitioner's representation dated 10.10.2023 seeking for extending the benefit under the category mentioned in Para 3(3)(ii) of G.O.Ms.No.84, Municipal Administration and Water Supply



W.P.No.34535 of 2023

Department dated 21.05.1988 by bringing him into regular time scale of pay from the date of completion of one year of service in the consolidated pay service i.e., 01.10.1999 and in the light of the orders of this Court passed in W.P.No.20805 of 2012 dated 03.08.2012 and W.P.No.9583 of 2013 dated 08.11.2019 with all consequential service and monetary benefits.

For Petitioner : Mr.A.Baskaran

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. Heard Mr.A.Baskaran, learned counsel for the petitioner and Mr.V.Yamuna Devi, learned Special Government Pleader, who accepts notice for the respondents 1 to 3.

3. The petitioner herein had given a representation to the respondents on 10.10.2023 seeking to bring him under the regular time



W.P.No.34535 of 2023

scale of pay in light of Para 3(3)(ii) of G.O.Ms.No.84, Municipal Administration and Water Supply Department dated 21.05.1988 and orders passed by this Court in W.P.No.20805 of 2012 dated 03.08.2012 and W.P.No.9583 of 2013 dated 08.11.2019 with all consequential service and monetary benefits. Since the said representation was not considered by the respondents, the present writ petition has been filed.

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 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 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 respondents herein to consider the petitioner's representation dated 10.10.2023, on its own merits and pass appropriate orders in accordance



W.P.No.34535 of 2023

WEB COPY

with law within a period of three 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 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.

13.12.2023

Index: Yes/No

Speaking order/Non-speaking order
gpa



W.P.No.34535 of 2023

To
WEB COPY

1. The Secretary to Government
Municipal Administration and Water Supply Department
Fort St.George, Chennai -9
2. The Director of Town Panchayat
M.R.C.Nagar, Chennai – 28
3. The Director of Municipal Administration
M.R.C.Nagar, Chennai – 28
4. The Commissioner
Hosur Corporation
Krishnagiri District



WEB COPY



W.P.No.34535 of 2023

M.S.RAMESH,J.

gpa

W.P.No.34535 of 2023

13.12.2023