



W.P.(MD).No.13433 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.13433 of 2023

Jeevarathinam

... Petitioner

Vs.

1.The District Collector,
O/o.Collectorate,
Theni.

2.The Assistant Director,
O/o.Assistant Director Panchayat,
Collectorate,
Theni.

3.The Executive Officer,
Kombai Town Panchayat,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Junior Assistant/Bill Collector from Sanitary Worker by considering the Government Order in G.O(MS)No.150, Municipal Administration and Water Supply Department, dated 19.08.1998.



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For Petitioner	: Mr.K.Navaneetharaja
For RR 1 & 2	: Mr.D.S.Neduncheliyan Government Advocate
For R – 3	: Mr.N.Ramesh Arumugam Government Advocate

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Junior Assistant/Bill Collector from Sanitary Worker by considering the Government Order in G.O(MS)No.150, Municipal Administration and Water Supply Department, dated 19.08.1998.

2.Heard Mr.K.Navaneetharaja, learned counsel appearing for the petitioner, Mr.D.S.Neduncheliyan, learned Government Advocate appearing for the respondents 1 and 2 and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the third respondent and perused the materials available on record.



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3.The petitioner was born with 60% disability and he is a Graduate in B.A (English) and registered his educational qualification in the District Employment Office. While so, he was appointed as a Sanitary Worker in the third respondent's office vide proceedings of the third respondent, dated 28.09.2015. He completed his probation period on 07.10.2017 and has passed all the departmental examinations. The petitioner has completed 7 years of service and he is eligible for promotion. Hence, he made a request to the respondents to promote him to the post of Junior Assistant/Bill Collector. Since his request was not considered, he made a representation, dated 30.05.2023, seeking to promote him to the post of Junior Assistant/Bill Collector. The same was not considered. Hence, this Writ Petition came to be 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 the respondent 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



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under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the respondents to consider the representation of the petitioner, dated 30.05.2023 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of.
There shall be no order as to costs.

07.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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L.VICTORIA GOWRI, J.

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