



W.P.(MD).No.20780 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.20780 of 2022

M.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Additional Director of Panchayat,
Madurai – 20.

3.The Block Development Officer,
Madurai East,
Madurai.

4.The President,
Y.Othakadai Panchayat,
Y.Othakadai,
Madurai District.

5.The President,
Mangulam Panchayat,
Mangulam,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to approve and allot an employment as an Assistant in the fifth



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respondent Panchayat as a Clerk based on his representation, dated 30.06.2022 within a time frame stipulated by this Court.

For Petitioner : M/s.Samundi Bose
For RR 1 to 3 : Mr.D.S.Neduncheliyan
Government Advocate

ORDER

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent to approve and allot employment to him as an Assistant in the fifth respondent Panchayat as a Clerk based on his representation, dated 30.06.2022 within a time frame stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

3.The petitioner was appointed as a Clerk in the fourth respondent Panchayat on 01.09.1997. He was made permanent as Assistant in the year 1999. In the meanwhile, the fourth respondent vide resolution No.42, dated 03.10.2005 dismissed the petitioner from



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service. Thereafter, the fourth respondent issued a charge-memo dated 17.10.2005 with respect to certain irregularities in the collection of tax in the fourth respondent's Panchayat. On submission of a detailed explanation by the petitioner, he was subsequently permitted to remit the deficit amount. Hence, the third respondent vide proceedings, dated 15.11.2005 passed an order of mutual transfer by which the petitioner was transferred and posted as an Assistant in the fifth respondent Panchayat and one Sathick Badsha was transferred from the fifth respondent Panchayat and posted as an Assistant in the fourth respondent Panchayat. Though the petitioner was transferred to the fifth respondent Panchayat, he was not allotted with any job in the aforesaid Panchayat, thereby making him to wait till 2005. Thereafter, the petitioner made several representations to the respondents to provide him with employment with the fifth respondent Panchayat and the last of which was made on 30.06.2022 to the first respondent. But the same is of no avail so far. Hence, this Writ Petition came to be filed.

4.The learned Government Advocate appearing for the respondents 1 to 3 pointed out that a charge-memo was issued as against the petitioner for irregularities in collection of tax as early as in



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the year 2005. However, that issue was resolved by remission of deficit amount to the fifth respondent Panchayat and hence, the submission of the learned Government Advocate is not sustainable.

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

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is left with only one year of service to attain the age of superannuation, this Court direct the first respondent to act swiftly by considering the representation of the petitioner, dated 30.06.2022 and thereafter, allot the petitioner with employment in the fifth respondent Panchayat within a period of two weeks from the date of receipt of a copy of this order.



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7.With the above direction, this Writ Petition is allowed.

There shall be no order as to costs.

24.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

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L.VICTORIA GOWRI, J.

ps

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