



W.P.(MD).No.21278 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21278 of 2023

Balamurugan

... Petitioner

Vs

1. The Director of Town Panchayat, *
8th Floor, Urban Administrative Office Campus,
Chennai - 620 028.
2. The Assistant Director, *
Town Panchayat,
Assistant Director Office,
Collector Office Campus,
Thanjavur District.
3. The Executive Officer,
Thirukattupalli Town Panchayat,
Thirukattupalli Town Panchayat Office,
Thirukattupalli, Poothalur Taluk,
Thanjavur District.
4. The President,
Thirukattupalli Town Panchayat,
Poothalur Taluk, Thanjavur District.

... Respondents

*(*R1, R2 deleted as per order of this Court, dated 31.08.2023)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation, dated 01.03.2023 and consequently direct the fourth respondent to reinstate the petitioner as sweeper in Thirukkattupalli Town Panchayat, Poothalur Taluk, Thanjavur District.

For Petitioner : Mr. P.Murugesan

For Respondents : Mr.T.Amjadkhan (R3, R4)
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 to 3 to consider the petitioner's representation, dated 01.03.2023 and consequently direct the fourth respondent to reinstate the petitioner as sweeper in Thirukkattupalli Town Panchayat, Poothalur Taluk, Thanjavur District.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3.At the request of Mr.T.Amjadhan, learned Government Advocate appearing for the respondents 3 and 4, the names of first and second respondents are deleted.

4.Heard, Mr.P.Murugesan, learned counsel appearing for the petitioner and Mr.T.Amjadhan, learned Government Advocate appearing for the respondents 3 and 4. Perused the materials on record.

5.(i).The petitioner joined as a Sweeper in the fourth respondent Panchayat, during the period of 1999. While so, a criminal case in Cr.No.239 of 2011 was registered by the Inspector of Police, Thirukkattupalli Police Station and the same culminated in filing of final report in C.C.No.239 of 2012, on the file of the Judicial Magistrate Court, Thiruvaiyaru. In the said case, the petitioner was convicted on 18.03.2015, against which, he has preferred an appeal in C.A.No.24 of 2015 before the II Additional Sessions Court, Thanjavur, which was dismissed. Aggrieved by the same, the petitioner has preferred a revision before this Court in CrI.R.C(MD)No.330 of 2015, which was also dismissed.



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(ii) In the aforesaid case, the co-accused namely Vinoth, Sivasamy, who were arrayed as A3 and A6 were also convicted. But they are permitted to continue their work as Sweeper in the fourth respondent Panchayat. However, the respondents are refusing to reinstate the petitioner. Hence, the petitioner made a representation on 01.03.2023 seeking to permit him to continue work in the fourth respondent Panchayat and the same was not considered. Therefore, the present writ petition came to be filed.

6. 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 respondents 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.

7. It is made clear that without going into the merits of this case, this Court hereby directs the third respondent to consider the representation of



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the petitioner, dated 01.03.2023 and pass appropriate order, in accordance with law and dispose the same, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

8. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

31.08.2023

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

**Note: Registry is directed to issue order copy,
after making necessary amendment in the cause title.**

PNM

To

1. The Executive Officer,
Thirukattupalli Town Panchayat,
Thirukattupalli Town Panchayat Office,
Thirukattupalli, Poothalur Taluk,
Thanjavur District.
2. The President,
Thirukattupalli Town Panchayat,
Poothalur Taluk, Thanjavur District.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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