



W.P.(MD).No.23115 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23115 of 2023

M.Selvam

... Petitioner

Vs.

1.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

2.The Government of Tamil Nadu,
Represented by the Principal Secretary Municipal
Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.

3.The Director of Municipal Administration,
Office of the Director Municipal Administration,
Chepauk, Chennai-600 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation, dated 31.08.2023 for providing the service and monetary benefits with effect from the date of initial appointment by treating the regularization of the service to be with effect from the date of initial appointment.



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For Petitioner : Mr.A.Satheesh Murugan

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the first respondent to consider the petitioner's representation, dated 31.08.2023 for providing the service and monetary benefits with effect from the date of initial appointment by treating the regularization of the service to be with effect from the date of initial appointment.

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

3. The petitioner was appointed as an Electrician Grade-II on 11.12.2000, sponsored through the employment exchange in an existing sanctioned vacancy in Ramnad Municipality. His post was regularised and was brought under regular time scale of pay by the common proceedings of the Commissioner of Ramnad Municipality, dated 28.02.2006. The proceedings of the regularization was not clear as to that effect as to whether regularization was effected from the



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date of initial appointment or from the date on which the service was regularised (i.e.,) from 28.02.2006. Despite the petitioner's request to the first respondent repeatedly, the monetary benefits from the period prior to the date of regular appointment was not extended to him. Hence, the petitioner had made several representations and that was not considered. Hence, he filed a writ petition in W.P(MD)No.4247 of 2016 before this Court and this Court was pleased to dispose of the said writ petition, directing the first respondent to consider the petitioner's representation, dated 16.07.2015. However, even after that, the first respondent did not consider the petitioner's representation and kept the same in abeyance. Thereafter, the petitioner has once again sent a representation on 31.08.2023 to all the respondents for the same purpose. That was also not considered and hence, the present 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 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



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

5. Considering the limited scope of the relief sought for by the petitioner herein, without going into the merits of the case, this Court hereby direct the first respondent to consider the petitioner's representation, dated 31.08.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of. There shall be no order as to costs.

22.09.2023

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



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WEB COPY

- To
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L.VICTORIA GOWRI, J.

BTR

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