



W.P.(MD).No.23119 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.23119 of 2023

K.Balagurunathan

... Petitioner

Vs.

**1.The Principal Secretary,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.**

**2.The Director of Municipal Administration,
Directorate of Municipal Administration,
Municipal Administration and Water Supply Department,
75, Santhom High Road,
Raja Annamalaipuram,
Chennai-600 028.**

**3.The Commissioner,
Madurai Municipal Corporation,
Madurai.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation to consider the petitioner for the post of 'Junior Engineer' in Madurai Corporation by considering the petitioner's service



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tenure rendered in Town Panchayat Service as per provisions of Tamil Nadu Urban Local Bodies Act and Rules.

For Petitioner : Mr.Raja.Karthikeyan
For R-1 & R-2 : Mr.P.Thambidurai
Government Advocate
For R-3 : Mr.K.Manisekar
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation to consider the petitioner for the post of 'Junior Engineer' in Madurai Corporation by considering the petitioner's service tenure rendered in Town Panchayat Service as per provisions of Tamil Nadu Urban Local Bodies Act and Rules.

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 Work Inspector by proper recruitment procedure in Vilangudi Town Panchayat on 23.10.2008 in the Tamil Nadu



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Town Panchayat Subordinate Engineering Service. While so, the Vilangudi Town Panchayat came to be merged and incorporated with the Madurai Municipal Corporation in the year 2011. In view of the merger of the said Town Panchayat with the Madurai Corporation all the staffs of the Town Panchayat were absorbed in the service of the Madurai Corporation. The petitioner was absorbed to the post of Technical Assistant. However, for some administrative reasons, despite being an Engineer, he was posted in a post, namely, Skilled Assistant Grade-II in the Madurai Municipal Corporation. But similarly placed employees of the Town Panchayat service were absorbed in the post of Technical Assistant in the Municipal Corporation. One A.Murugan, who joined as Work Inspector in the Town Panchayat service was absorbed in the respondent service as Technical Assistant. But the said exercise was denied in the case of the petitioner despite both the petitioner and the said A.Murugan joining duty in the same day (i.e.,) on 23.10.2008 in the same post in the Town Panchayat Service. Hence, the petitioner is entitled his post to be re-designated as Assistant Engineer in the respondent Corporation and hence, he made a representation in that effect to the second respondent in person and thereafter, through proper channel on 08.08.2023. However, the same was not considered. Hence, this writ petition came to be filed.



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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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, considering the limited scope of the relief sought for by the petitioner in this case, this Court hereby direct the respondents to consider the petitioner's representation, dated 08.08.2023 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



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

To

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Chennai.
- 2.The Director of Municipal Administration,
Directorate of Municipal Administration,
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L.VICTORIA GOWRI, J.

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