



WP.(MD).No.1337 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1337 of 2024
and
W.M.P.(MD)No.1375 of 2024

Arumugam

... Petitioner

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Department of Rural Development and Panchayat Raj,
Secretariat,
Chennai.

2.The Commissioner of Rural Development and Panchayat Raj,
Directorate of Rural Development and Panchayat Raj,
Panagal Buildings,
Chennai.

3.The District Collector,
Pudukkottai.

4.The Assistant Director of Panchayat,
Pudukkottai.

5.The Block Development Officer,
Office of Annavasal Panchayat Union,
Annavasal Post,
Illupur Taluk,
Pudukkottai District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to fifth respondent to consider the petitioner's request of participating as candidate in the upcoming notification by giving age relaxation by considering of his past service of 13 years as night watchman daily wage employee and based on his representation dated 11.12.2023 within time limit fixed by this Court.

For Petitioner : Mr.R.Anandha Raj
For Respondents 1 to 4 : Mr.J.John Rajadurai
Government Advocate
For 5th Respondent : Mr.S.Muthu Vijayan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus seeking to direct the respondents 2 to 5 to consider the petitioner's request of participating as candidate in the upcoming notification by giving age relaxation by considering of his past service of 13 years as night watchman daily wage employee and based on his representation dated 11.12.2023.

2.Heard Mr.R.Anandha Raj, learned counsel appearing for the petitioner, Mr.J.John Rajadurai, learned Government Advocate appearing for the respondents 1 to 4, Mr.S.Muthu Vijayan, learned Special Government Pleader appearing for the fifth respondent and



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perused the entire materials available on record.

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3.The petitioner was appointed as a Watchman on 01.01.2011 in the godown of the fourth respondent's office on daily wages basis of Rs.110/- per day. Thereafter, the fourth respondent passed a resolution during the year 2011 granting him salary on daily wages basis. Every year the wages would be revised as per the revised wages and the same would be disbursed from general fund of the Panchayat Union Council, for which, necessary vouchers and a receipt of the salary from the office of the fourth respondent was also issued. The petitioner submitted several representations to regularize his service. Since the same was not considered, he filed a Writ Petition in W.P.(MD)No.18988 of 2023 seeking to consider his representation for regularization and the same is pending. In the meanwhile, the District Collector vide proceedings dated 05.01.2024 has called for applications inviting for the posts of Driver, Record Clerk, Officer Assistant and Night Watchman in the respective Unions. The petitioner has given a representation dated 11.12.2023 to the respondents 2 to 5 to consider his candidature for the post of Office Assistant in any one of the Union in Pudukottai District by considering his service as Night Watchman



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for the period of 13 years in the fifth respondent office commencing from 01.01.2011. However, 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 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.In view of the same, without going into the merits, this Court hereby directs the respondents to consider the representation of the petitioner dated 11.12.2023 and to pass appropriate order in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.



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6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

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

To

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L.VICTORIA GOWRI, J.

Mrn

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