



W.P.(MD).No.1453 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1453 of 2024

1. M.Mohamed Fakrudeen
2. K.Krishnamoorthy
3. B.Deivasigamani
4. V.Arunachalam Vadivel

... Petitioners

Vs

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent to bring the Petitioners service under Tamil Nadu Municipal Corporation Service as Skilled Assistant Grade II on par with similarly placed persons by extending the Order passed by the Respondent vide MaNi2/39422/2016, dated 31.03.2017 and to include the Petitioners name in the appropriate place in the seniority list of Skilled Assistant Grade II for the year 2023-24 and grant promotion to the



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Petitioners to the post of Technical Assistant within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar,

For Respondent : Mr.S.Vinayak
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the Respondent to bring the Petitioners service under Tamil Nadu Municipal Corporation Service as Skilled Assistant Grade II on par with similarly placed persons by extending the Order passed by the Respondent vide MaNi2/39422/2016, dated 31.03.2017 and to include the Petitioners' name in the appropriate place in the seniority list of Skilled Assistant Grade II for the year 2023-24 and grant promotion to the Petitioners to the post of Technical Assistant within the time period stipulated by this Court.

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

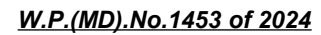


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3.Heard, the learned counsel appearing for the petitioners, the learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.The petitioners were appointed as Wireman in the Madurai Corporation vide G.O.Ms.No.151 of Municipal Administration and Water Supply Department, dated 10.06.1997. Subsequently, they filed a writ petition in W.P.No.10337 of 1997 seeking regularization and on 29.11.2022, this Court issued a direction to the respondent Corporation. Based on which, the petitioners were brought under regular time scale of pay in the post of Wireman vide appointment order, dated 21.11.2007. In the year 2007, the petitioners are working in regular time scale of pay. Similarly placed persons filed writ petition in W.P(MD)No.18186 of 2016, in which, this Court passed an order, dated 22.09.2016 directing the respondent to bring the petitioners therein under the service of the respondent Corporation and gave fitment to the petitioners therein as Skilled Assistant Grade - II. Hence, the petitioners made representation before the respondent on 13.01.2024 seeking to regularize and absorb them as Skilled Assistant Grade II on par with the similarly placed



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 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.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the respondent to consider the representation of the petitioners, dated 13.01.2024 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.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

24.01.2024

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

To

The Commissioner,
Madurai Corporation,
Madurai.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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