



W.P.(MD).No.5630 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5630 of 2024

A.Chidambaram

... Petitioner

Vs

1. The Additional Chief Secretary,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai.
2. The Director,
Directorate of Town Panchayat,
No.75, Santhom High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai.
3. The Executive Officer,
Ilanyangudi Selection Grade Town Panchayat,
Sivagangai District.

... 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 take into consideration the petitioner's initial appointment in the year 1985 as Daily wager under Tamil Nadu Water Supply Department for all the petitioner's service and other attendant benefits with his present service under the



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respondents by considering the petitioner's representation, dated 17.03.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr. P.Velmurugan

For Respondents : Mr.M.Siddharthan (R1,R2)
Additional Government Pleader

Mr.Sivanu Pandian (R3)

ORDER

The present writ petition has been filed seeking a direction to the respondents to take into consideration the petitioner's initial appointment in the year 1985 as Daily wager under Tamil Nadu Water Supply Department for all the petitioner's service and other attendant benefits, along with his present service under the respondents by considering the petitioner's representation, dated 17.03.2023.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2



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and the learned counsel appearing for the third respondent. Perused the materials on record.

4.The petitioner was initially appointed as Daily Wager in Tamil Nadu Water Supply Department in the year 1985 and he was taken into the 3rd respondent/Town Panchayat Department in the year 1987. At that time, he filed W.P.No.4270 of 2001 seeking to regularize his service and this Court vide order, dated 18.06.2009 directed the respondents therein to regularize his service. Pursuant to the same, his service was regularized. The age of superannuation falls on 16.04.2024. Since the similarly placed persons like the petitioners were given benefit of getting their initial service also regularized for all their service and other attendant benefits, on 17.03.2023 the petitioner made a representation to the respondents seeking to consider his initial service with the water board from the year 1985 to be included in his service. Despite receiving the representation on 18.03.2023, the respondents have not considered the same. Hence, this writ petition came to be filed.

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



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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 the respondents 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 direct the respondents to consider the representation of the petitioner, dated 17.03.2023 and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

08.03.2024

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



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- To
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L.VICTORIA GOWRI, J.

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ORDER IN
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