



WP.(MD).No.6196 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6196 of 2024

B.Kottai Ilangovan

... Petitioner

Vs.

1.The Principal Secretary,
Rural Development and Panchayat Raj Department (E4),
Secretariat, St.George Fort,
Chennai – 9.

2.The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department (E4),
Secretariat, St.George Fort,
Chennai – 9.

3.The Director,
Rural Development and Panchayat Raj Department (E4),
Panagal Maligai Building,
Saidapet,
Chennai – 15.

4.The District Collector,
Collectorate,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent No.2 to consider the petitioner's representation dated 10.05.2019



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and reminder representation dated 25.06.2021 to regularize the petitioner's service from the date of initial appointment on 08.12.1993 instead of reappointment dated 03.05.1997 based on the similar persons order dated 23.11.2011 and 14.03.2012 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

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

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the second respondent to consider the petitioner's representation dated 10.05.2019 and reminder representation dated 25.06.2021 to regularize the petitioner's service from the date of initial appointment on 08.12.1993 instead of reappointment dated 03.05.1997 based on the similar persons order dated 23.11.2011 and 14.03.2012.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i)The petitioner is serving as a Deputy Block Development



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Officer from 18.05.2020. Initially he was appointed as Junior Assistant on compassionate ground on 08.12.1993. Thereafter, he was terminated from service on 30.12.1996 on the ground that his mother is already in a Government job. Challenging the same, he filed a Petition in O.A.No.14 of 1997 before the learned Tamil Nadu Administration Tribunal, Chennai. On the basis of interim stay passed by the learned Tamil Nadu Administration Tribunal on 12.02.1997, the fourth respondent vide re-appointment order dated 30.04.1997, permitted the petitioner to rejoin on 03.05.1997.

(ii) While so, the said O.A.No.14 of 1997 was converted into W.P(MD)No.40317 of 2005. In the meanwhile, the petitioner had also filed another Writ Petition in W.P.No.13328 of 2006 seeking to regularization of his service and on 28.08.2008, the aforesaid Writ Petition was disposed of in favour of the petitioner. On 14.07.2010, the fourth respondent recommended the case of the petitioner to be regularized to the first respondent from the date of initial appointment dated 08.12.1993. However, the first respondent had vide order dated 17.09.2013, regularized the petitioner's appointment with effect from 17.09.2013 wrongly.



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(iii) Aggrieved by the same, the petitioner filed Writ Petition in W.P.(MD)No.18734 of 2013. This Court by order dated 23.02.2017, has set aside the aforesaid order and remanded back the matter for consideration of regularization. On 24.05.2018, the second respondent passed an order regularizing the petitioner's service from the date of re-appointment I.e, from 03.05.1997. Hence, the petitioner had sent a representation dated 10.05.2019 and a remainder on 25.06.2021, seeking regularization of his service from his date of initial appointment on 08.12.1993 and the same is not considered. Hence, this Writ Petition came to be filed.

4. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and carefully perused the entire materials available on record.

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 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



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dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6.In view of the same, without going into merits of the case, this Court hereby direct the second respondent to consider the petitioner's representation dated 10.05.2019 and a remainder on 25.06.2021, seeking regularization of his service from his date of initial appointment on 08.12.1993 within a period of 12 weeks from the date of receipt of copy of this order.

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

14.03.2024

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



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L.VICTORIA GOWRI, J.

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