



W.P.(MD)No.9056 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9056 of 2024
and
W.M.P(MD)No.8257 of 2024

K.S.Umashankar

.. Petitioner

Vs.

1. The Principal Secretary,
Municipal Administration and Water Supplies Department,
Fort St.George
Chennai-600 009.

2. The Commissioner,
Dindigul Corporation,
Dindigul 624 001.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's 2nd representation dated 25.03.2024.



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For Petitioner : Mr.M.Sheik Abdullah

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1

: Mr.J.Lawrence
for R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus seeking a direction to the respondents to consider the petitioner's 2nd representation dated 25.03.2024.

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

3. Heard M.Sheik Abdullah, learned counsel appearing for the petitioner, J.Ashok, learned Additional Government Pleader appearing for the first respondent and Mr.J.Lawrence, learned counsel appearing for the second respondent.



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4. The petitioner was originally appointed as Plumber Grade-I with a qualification of SSLC and ITI Plumber, on 22.07.1998 in the Dindigul Municipality. Later the Dindigul municipality was upgraded as Corporation in the year 2013. Subsequently, the G.O. 186 Municipal Administration and Water Supply(MC5) Department dated 22.12.2015 has been issued to absorb the persons already working in the municipality to the Corporation in different categories mentioned therein in accordance with their qualification and experience. The petitioner claims that he ought to have been promoted to the post of Technical Assistant as that of one Ushine Mohamed, who is a similarly qualified person(SSLC & ITI) and he has been given seniority list No.1 pending promotion to the post of Electrical Superintendent Gr.II, as per the proceedings of the Municipal Administration Directorate RC.No.14420/2023/F2 dated 09.10.2023.



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5.M.Sheik Abdullah, learned counsel appearing for the petitioner submitted that the petitioner's post was grouped in Serial No.14 as Skilled Assistant Gr.I whereas the posts with correspondingly similar qualification such as Draftsman etc., are classified as Technical Assistant in Serial No.13. Educational qualification for both these posts, which are classified in Serial No. 14 and 13, are the same. But the petitioner though having the required educational qualification and experience in service, was put in the lower scale of pay. Hence, he had given a representation to the respondents 25.03.2024 seeking to classify him to the post of 'Technical Assistant' instead of 'Skilled Assistant Gr.I'. Since the said representation was not considered, the present writ petition has been filed.

6. 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



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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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

7. In the light of the above observations, this Writ Petition is **disposed of** with a direction to the second respondent to consider the petitioner's representation dated 25.03.2024 on its own merits 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. It is made clear that this Court has not gone into the merits of the



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claim of the petitioner and it is open to the respondents to consider the same on its own merits. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2024

NCC :yes/no
Index :yes/no
Internet:yes/no

PJL

To

1. The Principal Secretary,
Municipal Administration and Water Supplies Department,
Fort St.George
Chennai-600 009.

2. The Commissioner,
Dindigul Corporation,
Dindigul 624 001.



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R.N.MANJULA, J.

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