



WP(MD) No.11539 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11539 of 2024

1.M.Muniyasamy

2.K.Arumugam

3.M.Karuppasamy

4.V.Murugavel

5.M.Gurusamy

... Petitioners

Vs.

1.The Secretary to the Government,
Department of Municipal Administration,
Fort St. George,
Secretariat,
Chennai - 600 009.



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2.The Director of Town Panchayat,
Chennai.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

4.The Commissioner
Sayalkudi Town Panchayat,
Sayalkudi,
Ramanathapuram District.

5.The Executive Officer
Sayalkudi Town Panchayat,
Sayalkudi,
Ramanathapuram 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 regularize the services of the petitioners in the post



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of Sweepers by considering their length of service of 18 years under the 4th and 5th respondents Town Panchayat based on the representation of the petitioners dated 21.06.2011 and 20.02.2020 in the light of the G.O.(Ms)No.242 dated 10.12.2009 issued by the 1st respondent.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.M.Ramesh – for R1 to R4

Government Advocate

Mr.G.Suriya Anand – for R5

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to regularize the services of the petitioners in the post of Sweepers by considering their length of service of 18 years under the 4th and 5th respondents Town



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Panchayat based on the representation of the petitioners dated 21.06.2011 and 20.02.2020 in the light of the G.O.(Ms)No.242 dated 10.12.2009 issued by the 1st respondent.

2. Heard Mr.B.Prahalad Ravi, learned counsel for the petitioner, Mr.M.Ramesh, learned Government Advocate appearing for the respondents 1 to 4 and Mr.G.Suriya Anand, learned Additional Government Pleader appearing for the fifth respondent.

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

4. The petitioners have been working as Sweepers at the respondents Town Panchayat for more than 18 years and they have been given daily wages. Therefore, the petitioners herein had given representations to the respondents on 21.06.2011 and 20.02.2020 seeking to consider their services and regularising them in a time



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scale of pay. Since the said representations were not considered by the respondents so far, the present writ petition has been 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 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. 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.



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6. In the light of the above observations, there shall be a direction to the respondents 1 and 3 herein to consider the petitioners' representation dated 20.02.2020 in the light of the G.O. (Ms)No.242 dated 10.12.2009 issued by the first respondent, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 claim of the petitioner and it is open to the respondents 1 and 3 to consider the same on its own merits.

7. With the above direction, the Writ Petition stands **disposed of**. No costs.

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

RM



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R.N.MANJULA, J.

RM

Order made in
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Dated:
03.06.2024