



W.P.(MD)No.14232 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.07.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.14232 of 2021

P.Annadurai

... Petitioner

Vs.

1.The District Collector,
Trichirappalli.

2.The Executive Officer,
Town Panchayat,
Selection Grade Kattuputhur,
Musiri Taluk,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.03.2020 for being promoted as that of the Health Supervisor in the second respondent Panchayat.

For Petitioner	: Mr.R.Maheswaran For M.Subash Babu
For Respondents	: Mr.C.Satheesh Government Advocate

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 09.03.2020 for being



W.P.(MD)No.14232 of 2021

promoted as that of the Health Supervisor in the second respondent Panchayat.

2.The petitioner is presently working as a Conservancy Staff in the second respondent Panchayat. He was originally appointed, by an order dated 10.08.2009. Though at the time of appointment, he was appointed as a temporary staff, subsequently his service came to be regularized by the second respondent Panchayat. The first respondent had passed an order dated 01.08.2017, making provision for promotion of the persons working as a Last Grade Worker in Panchayat Establishment to be promoted to the next cadre of service. The first respondent by order dated 01.08.2017, has ordered the Panchayat administration across the State of Tamil Nadu to prepare the seniority list as per the date of service and educational qualification of the Conservancy Staffs in various Panchayats. In fact, in the regular seniority list prepared by the first respondent, the petitioner's name was placed in serial No.57. However, his case was not considered and hence, he made a representation dated 09.03.2020, for considering him to be promoted as a Health Supervisor in the second respondent Panchayat. However, the same was not considered. Hence, the Writ Petition came to be filed.

3.Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents and carefully perused the



W.P.(MD)No.14232 of 2021

materials available on record.

WEB COPY

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

5.In view of the same, without going into merits of the case, this Court hereby direct the second respondent to consider the representation of the petitioner dated 09.03.2020 and to pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

6.Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

16.07.2024

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



WEB COPY



W.P.(MD)No.14232 of 2021

L.VICTORIA GOWRI, J.

Mrn

To

- 1.The District Collector,
Trichirappalli.
- 2.The Executive Officer,
Town Panchayat,
Selection Grade Kattuputhur,
Musiri Taluk,
Trichy District.

W.P.(MD)No.14232 of 2021

16.07.2024