



WP(MD). No.17427 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

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V.Sankar

... Petitioner

Vs

1. The Director of Town Panchayats,
Office of the Directorate of Town Panchayats,
7th and 8th Floor, Urban Administrative Office Campus,
Chennai – 600 028.

2. The Assistant Director of Town Panchayat,
Thanjavur Region,
Office of the District Collector Office,
Thanjavur.

3. The Executive Officer,
Thirubuvanam Town Panchayat,
Thanjavur District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to appoint the petitioner on regular basis in terms of the proceedings in Na.Ka.No.6865/20/A4, dated 21.11.2020 of the 1st respondent and the representation submitted by the petitioner 10.06.2024.



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For Petitioner : Mr.V.Vijayshankar

For Respondents : Mr.S.Shanmugavel (R1,R2)
Additional Government Pleader

Mr.D.Gandhiraj (R3)
Special Government Pleader

ORDER

Heard Mr.V.Vijayshankar, learned counsel appearing for the petitioner, Mr.S.Shanmugavel, learned Additional Government Pleader appearing for R1 & R2 and Mr.D.Gandhiraj, learned Special Government Pleader appearing for R3.

2. This Writ Petition has been filed for a direction to the respondents to appoint the petitioner on regular basis in terms of the proceedings in Na.Ka.No.6865/20/A4, dated 21.11.2020 of the 1st respondent and the representation submitted by the petitioner 10.06.2024.

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



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4.The petitioner has been appointed as a Lineman Helper on daily wage basis from 12.05.2003. The Government has issued Government Orders from time to time basis to regularise the temporary/daily rated employees after a period of three years, However, even after a lapse of three years, regular appointment was not made to the petitioner. Since no steps were taken by the respondents to regularize his service, he filed a writ petition before this Court seeking to regularize his service. Even after the directions given by this Court, the first respondent vide proceedings, dated 11.11.2016 informed that since 10 years have not elapsed from the date of his appointment, it was not possible to regularize the service. After that the first respondent has sought for particulars from the various regions as to the details of employees, who were still waiting for regularisation. Pursuant to the directions, the case of the petitioner was duly forwarded by the 3rd respondent to the first respondent, dated 17.09.2021. However, no steps has been taken further and the petitioner has submitted a detailed representation, dated 10.06.2024 to the respondents and the same was not considered. Hence, this writ petition came to be filed.



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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 respondent is required to be given with direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, this Writ Petition is disposed of with a direction to the respondents to consider the representation of the petitioner, dated 10.06.2024 and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has



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not gone into the merits of the claim of the petitioner and it is open to the respondent to consider the same on its own merits. No costs.

26.07.2024

NCC : Yes/No
Index : Yes/No
PNM

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R.N.MANJULA, J.

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