



W.P.(MD).No.20644 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20644 of 2023

B.Maheswari

... Petitioner

Vs

1. The District Collector,
Triuchirappalli District,
Triuchirappalli 620001.
2. The Block Development Officer,
Mannachanallur Panchayat Union,
Trichirappalli District.
3. The Panchayat President,
Bikshandarkoil Village Panchayat,
Mannachanallur Panchayat Union and Taluk,
Triuchirappalli District.
4. V.P.T.Sobana

... 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 No. 2 and 3 to allow the petitioner to sign the daily attendance register and also permit the petitioner to do her duty as Over Head Tank Operator at Gokulam Colony, Bikshandarkoil Village Panchayat, Mannachanallur Panchayat Union



W.P.(MD).No.20644 of 2023

and Taluk, Trichirappalli District and consequently direct the respondents 1 to 3 to disburse the petitioner's monthly salary and other allowance regularly by considering her representation, dated 22.07.2023.

For Petitioner : Ms.K.Vidya

For Respondents : Mr.N.Ramesh Arumugam (R1-R3)
Government Advocate

ORDER

The present writ petition has been filed for the issue of a writ of mandamus directing the respondents No. 2 and 3 to allow the petitioner to sign in the daily attendance register and also permit the petitioner to do her duty as Over Head Tank Operator at Gokulam Colony, Bikshandarkoil Village Panchayat, Mannachanallur Panchayat Union and Taluk, Trichirappalli District and consequently to direct the respondents 1 to 3 to disburse the petitioner's monthly salary and other allowance regularly by considering her representation, dated 22.07.2023.

2.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



W.P.(MD).No.20644 of 2023

3.(i).The petitioner joined the service in 4th respondent Panchayat as Over Head Tank Operator at Bikshandarkoil Village in the year 2007. The petitioner's service was regularized by the 1st and 2nd respondent in the post of Over Head Tank Operator.

(ii).The 4th respondent was elected as Panchayat President in the Bikshandarkoil Village Panchayat and due to personal vengeance, she did not want the petitioner to continue in the post of Over Head Tank Operator. She went to the extent of abusing her power and refused to pay the salary and other pongal allowance from March, 2022. Therefore, the petitioner has impleaded the 4th respondent in her personal capacity in the writ petition.

(iii).On 22.02.2022, the petitioner approached the respondents to pay her monthly salary. On 30.04.2022, the first respondent directed the second respondent to conduct enquiry and report him. Based on the petitioner's complaint, dated 17.08.2022, the second respondent asked the report from the third respondent. The Assistant Director (Village Panchayat), Trichy also directed the 2nd respondent to conduct enquiry. However, the third respondent neither considered the grievance of the petitioner nor obeyed the orders of the first and second respondents.



W.P.(MD).No.20644 of 2023

WEB COPY

(iv).Under such circumstances, on 06.03.2023, the petitioner filed a petition in L.A.No.18 of 2023 before the Taluk Legal Service Committee, Lalgudi against the second and third respondents seeking her salary and other allowances. During the pendency of the same, the fourth respondent paid all the arrears for the period from March, 2022 to April, 2023 to the petitioner and on that basis L.A.No.18 of 2023 was closed on 25.05.2023. Thereafter, the fourth respondent and her henchmen are not allowing the petitioner to do her duty, without following due process of law, trying to dismiss her from service. Hence, the petitioner made a representation on 22.07.2023 to the respondents 1 to 3 seeking to permit her to do duty and the same was not considered. Hence, this writ petition came to be filed.

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 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 and hence, this Court will be justified in invoking



W.P.(MD).No.20644 of 2023

WEB COPY

its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5.In view of the above, without going to the merits of the case, I hereby direct the respondents to 1 to 3 to consider the representation of the petitioner, dated 22.07.2023 and pass appropriate order in accordance with law, within a period of twelve (12) weeks from the date of receipt of copy of this order.

6.Accordingly, this petition stands disposed of. There shall be no order as to costs.

05.02.2024

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



W.P.(MD).No.20644 of 2023

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W.P.(MD).No.20644 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.20644 of 2023

05.02.2024