



W.P.(MD).No.10 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.10 of 2024

R.Ramanathan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Director (Panchayats),
Ramanathapuram District,
Ramanathapuram.

3.The Block Development Officer,
Kadaladi,
Ramanathapuram District.

4.The President,
Kannirajapuram Panchayat,
Kadaladi Union,
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 1 to 4 to take immediate steps to pay the petitioner the arrears of salary and all monetary benefits with 18% interest per annum from October, 2017 to June 2020 within a time frame that may be stipulated by this Court.



W.P.(MD).No.10 of 2024

For Petitioner : Mr.B.S.Meltiue
For R1 & R2 : Mr.R.Raghavendran
Government Advocate
For R3 & R4 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 to 4 to take immediate steps to pay the petitioner the arrears of salary and all monetary benefits with 18% interest per annum from October, 2017 to June 2020 within a time frame that may be stipulated by this Court.

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

3. The petitioner is a physically challenged person. The 4th respondent has passed a resolution and appointed the petitioner as Overhead Tank Operator in his Panchayat on 10.08.2009 on consolidated payment and his appointment was duly approved by the 3rd respondent. Thereafter, the respondents also opened a Service Register in the name of the petitioner. However, when a new



W.P.(MD).No.10 of 2024

Panchayat President took charge in the year 2014, he stopped the payment of salary of the petitioner and forcefully prevented the petitioner from discharging his duty without following due process of law. Hence, the petitioner filed W.P(MD)No.5180 of 2014 and this Court was pleased to direct the respondents to pay the petitioner with salary and permit him to discharge his duty vide order, dated 25.03.2014. A similar situation arose when a new Panchayat President took charge of the 4th respondent Panchayat in the year 2020. The petitioner was forcefully stopped from discharging his duty without notice and he was also not paid the salary from October 2017 to June 2020. Under such circumstances, the petitioner was prevented from discharging his duty. He had made several representations to the various authorities and last representation was preferred on 18.04.2023.

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



W.P.(MD).No.10 of 2024

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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. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 18.04.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

03.01.2024

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

1.The District Collector,
Ramanathapuram District,
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2.The Assistant Director (Panchayats),
Ramanathapuram District,
Ramanathapuram.



W.P.(MD).No.10 of 2024

WEB COPY

3.The Block Development Officer,
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W.P.(MD).No.10 of 2024

L.VICTORIA GOWRI, J.

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W.P(MD)No.10 of 2024

03.01.2024