



W.P.(MD)No.17273 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17273 of 2025

S.Elangovan

... Petitioner

-VS-

1.The District Collector,
Madurai District.

2.The Personal Assistant General to District Collector,
O/o.District Collector, Madurai.

3.The Special Deputy Collector,
Revenue Court, Madurai.

4.The Tahsildhar,
O/o.Taluk Office,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 11.06.2025 relates to the regularization of his leave period and also to transfer petitioner within the office of the first respondent, within a time frame to be fixed by this Court.



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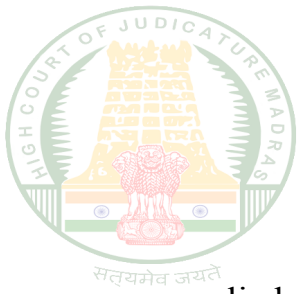
For Petitioner : Mr.R.Suirya Narayanan
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to consider the petitioner's representation dated 11.06.2025, pertaining to the regularization of his leave period and his request for transfer within the office of the first respondent and to pass appropriate orders on the same, within a time frame as may be fixed by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is presently working as a 'Revenue Inspector' in the Revenue Department, Madurai District, having joined service in 1990 as a 'Junior Assistant'. He has rendered over three decades of unblemished service, including tenure at multiple Taluks in the District. Due to age-related ailments, including high blood pressure, the petitioner was hospitalized on 28.02.2025 and was unable to obtain prior permission for leave. He subsequently



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applied for medical leave on 02.03.2025. During the same period, the petitioner's wife was diagnosed with a tumor and admitted to Medcity Cancer Hospital, Madurai. With no family support, the petitioner had to personally attend to her medical needs, which further extended his absence from duty. On 23.05.2025, the second respondent issued a general transfer order transferring the petitioner from the office of the third respondent to the fourth respondent, with instructions to join after his leave period. However, the petitioner's leave remains unregularized, and consequently, he has not received salary for the past four months, causing severe financial hardship.

4. Further, the petitioner, now 59 years old and due for retirement in March 2026, is in the final phase of his service. In the light of his medical condition, pending salary and short remaining service period, the petitioner submitted a representation dated 11.06.2025 to the first respondent, seeking (i) regularization of his medical leave and (ii) compassionate transfer within the first respondent's office. Despite the urgency and repeated follow-ups, the petitioner's representation has not been acted upon till date, forcing him to approach this Court by way of filing the present Writ Petition.



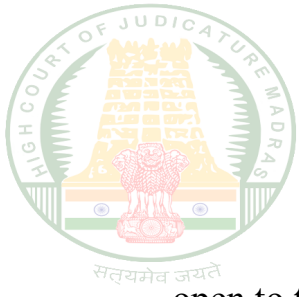
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5. Heard both sides.

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

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 11.06.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is



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open to the first respondent to consider the same on its own merits.

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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

26.06.2025

To:-

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VIVEK KUMAR SINGH, J.

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