



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.26269 of 2019

1.P.Annanji
2.M.Murugan
3.C.Radhika

... Petitioners

/vs./

1.The Secretary to the Government,
Backward and Most Backward Class Welfare Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner,
Most Backward Classes Denotified Committee Welfare,
Elilaham, Chepauk, Chennai.

3.The Joint Director,
Kallar Reclamation,
Madurai 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to regularize the Petitioner's services as cooks with effect from 01.07.1998 on the basis of their representation dated 20.03.2019 in light of the order passed by this Court in W.P(MD). No.10241 of 2010 dated 13.03.2017 within the time stipulated by this Court.

For Petitioner	:	Mr.C.Jeganathan for M/s.Veera Associates
For Respondents	:	Mr.M.Jeyakumar Additional Government Pleader

ORDER

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

2. Though the petitioners have sought for issuance of writ of mandamus directing the respondents to regularize our services as cooks with effect from 01.07.1998, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made

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representation on 20.03.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation, dated 20.03.2019 in the light of W.P(MD).No.10241 of 2010, dated 13.01.2017 and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioners in their representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to the Government,
Backward and Most Backward Class Welfare Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner,
Most Backward Classes Denotified Committee Welfare,
Elizhagam, Chepauk, Chennai.

3.The Joint Director,
Kallar Reclamation,
Madurai 625 020.

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+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-104605[F] dated 12/12/2019)

+1 CC to M/s.SPL.GP (SR-104664[F] dated 12/12/2019)

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Order made in
W.P. (MD) No.26269 of 2019

Dated:
11.12.2019

KK/SAR/31.12.2019/3P-6C/