



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2019**

CORAM:

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

W.P. (MD)No.26268 of 2019

Shanthi Devi

... Petitioner

/vs./

1.The Project Director,
Tamil Nadu Health Systems Project (TNHSP)
3rd Floor, DNS Annexure,
New Building, 259 Anna Salai,
Teynampet, Chennai.

2.The Hospital Superintendent,
The Chief Minister's Comprehensive Health Insurance Scheme,
Government District Head Quarters Hospital,
Dindigul. ... 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 disburse the arrears of enhanced salary from Rs.7,700/- to Rs.14,000/- per month with annual increment of Rs.500/- as per the Government Order in G.O.(MS).No.232, Health and Family Welfare (EAP-II) Department, dated 13.06.2018 by considering the petitioner's representation dated 18.01.2019 and for other reliefs.

For Petitioner : Mr.J.Lawarance

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

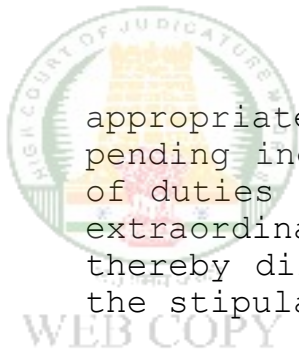
ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus directing the respondents to disburse the arrears of enhanced salary from Rs.7,700/- to Rs.14,000/- per month with annual increment of Rs.500/- as per the Government Order in G.O.(MS). No.232, Health and Family Welfare (EAP-II) Department, dated 13.06.2018, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 18.01.2019 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 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. 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 first respondent herein to consider the petitioner's representation, dated 18.01.2019, on its own merits 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 petitioner in his representation and it is for the first respondent 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)

rmk

To

1.The Project Director,
Tamil Nadu Health Systems Project (TNHSP)
3rd Floor, DNS Annexure,
New Building, 259 Anna Salai,
Teynampet, Chennai.

2.The Hospital Superintendent,
The Chief Minister's Comprehensive Health Insurance Scheme,
Government District Head Quarters Hospital,
Dindigul.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-104600[F] dated 12/12/2019)

+1 CC to M/s.SPL.GP (SR-104665[F] dated 12/12/2019)

SMA/06/01/2020/2P/5C

Order made in
W.P. (MD) No.26268 of 2019
Dated:11.12.2019