



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

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

Writ Petition(MD) No.1077 of 2020

P.Sridhar

... Petitioner

/vs./

1.The Secretary to Government,
Backward, Most Backward Classes and
Minorities Welfare (MWRV) Department,
Secretariat, Chennai-9.

2.The Director,
Most Backward Classes/DNC Department,
Chepauk, Chennai-5.

3.The Director,
Backward Class Welfare Department,
Chepauk, Chennai-5.

4.The District Backward Classes and
Minority Welfare Officer,
Madurai District, Collectorate,
Madurai-20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the fourth respondent to consider the petitioner representation dated 05.11.2019 and to pass suitable orders by allowing him to continue his service with effect from 01.12.2019 as per the provision contained in the G.O.Ms.No.93, dated 01.08.2012 till the last of this academic year i.e., upto 31.05.2020.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.R.Sethuraman
Special Government Pleader



ORDER

The limited prior sought for by the petitioner is that to consider the representation dated 05.11.2019, seeking to continue his service with effect from 01.12.2019 as per the provision contained in the G.O.Ms.No.93, dated 01.08.2012 till the last of this academic year i.e., upto 31.05.2020.

2. 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 merit 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 the such authority to consider the representation within the stipulated time.

3. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 05.11.2019 on its own merits and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. The petitioner is also permitted to submit a copy of the representation along with a copy of this order. It is made clear that this Court has not expressed any of the view with regard to the claim made by the petitioner in his representation. It is for the second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Secretary to Government,
Backward, Most Backward Classes and
Minorities Welfare (MWRV) Department,
Secretariat, Chennai-9.



2.The Director,
Most Backward Classes/DNC Department,
Chepauk, Chennai-5.

3.The Director,
Backward Class Welfare Department,
Chepauk, Chennai-5.

4.The District Backward Classes and
Minority Welfare Officer,
Madurai District, Collectorate,
Madurai-20.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-3601[F] 29/01/2020)

+1 CC to M/s.Special Govt.Pleader (SR-3909[F] dated 30/01/2020)

Order made in
W.P. (MD) No.1077 of 2020
29.01.2020

sjj
SDS(31.01.2020) 3P-7C