



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.01.2020**

CORAM:

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

W.P.(MD) No.1498 of 2020

K.Subramaniam

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
rep., by its Secretary,
Health and Family Welfare Department,
Secretariat, Chennai.
- 2.The Director of Public Health and Preventive Medicine,
Chennai-6.
- 3.The Deputy Director of Health Services,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to sanction yearly increments and selection grade in the cadre of Technical Personal Assistant Grade I with all consequential benefits and also refund the recovery amount of Rs.51,234/- to the petitioner by considering the petitioner's representation dated 19.09.2019 in the light of the order made in W.A(MD).No.149 of 2019 dated 06.02.2019.

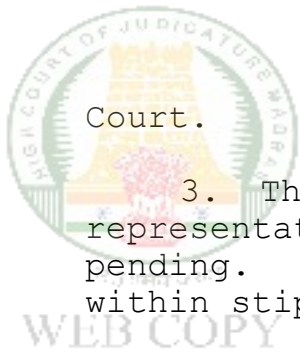
For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.M.Karuppasamy
Government Advocate

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 to direct the respondents to sanction yearly increments and selection grade in the cadre of Technical Personal Assistant Grade I with all consequential benefits and also refund the recovery amount of Rs.51,234/- to him, in my view, such a decision is to be taken by the second respondent 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 she has already made representation on 19.09.2019 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 second respondent herein to consider the petitioner's representation, dated 19.09.2019, 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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.

2.The Director of Public Health and Preventive Medicine,
Chennai-6.



3.The Deputy Director of Health Services,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-3356[F] dated 28/01/2020)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-3417[F] dated
28/01/2020)

Order made in
W.P.(MD)No.1498 of 2020
Dated: 27.01.2020

JMN(10.02.2020) 3P : 6C