



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2020**

CORAM:

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

W.P.(MD) No.3080 of 2020

and

W.M.P.(MD) No.2633 of 2020

Dr.R.Sudha MD

... Petitioner

/vs./

1.The Principal Secretary,
Department of Health and Family Welfare
Government of Tamilnadu,
4th Floor, Fort St.George,
Secretariat, Chennai-600 009.

2.The Director of Medical Education,
156, Poonamallee High Rd,
New Bupathy Nagar,
Chetpet, Chennai-600 031.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the second respondent to implement their order dated 10.04.2015 in Ref No.14142/E1/1/14 as per G.O.Ms.No.354 dated 23.10.2009 and pay all other monetary benefits to the petitioner with effect from 16.02.2013 to till date within the time stipulated by this court.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.C.M.Marichellaiah Prabhu
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 to direct the second respondent to implement their order dated 10.04.2015 in Ref No.14142/E1/1/14 as per G.O.Ms.No.354, dated 23.10.2009 and pay all other monetary benefits to her with effect from 16.02.2013 to till date, 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 she has already made a representation on 22.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 22.01.2020, on its own merits and pass appropriate orders within a period of four (4) 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 her representation and it is for the second respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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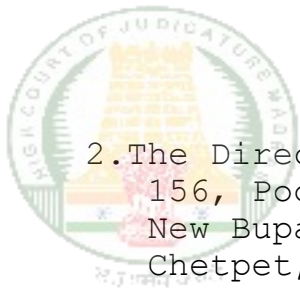
/ /2020

Sub Assistant Registrar (CS)

cp

To:

1. The Principal Secretary,
Department of Health and Family Welfare
Government of Tamilnadu,
4th Floor, Fort St. George,
Secretariat, Chennai-600 009.



2.The Director of Medical Education,
156, Poonamallee High Rd,
New Bupathy Nagar,
Chetpet, Chennai-600 031.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-7415[F] dated
20/02/2020)

+1 CC to M/s.SPL.GP (SR-7786[F] dated 24/02/2020)

Order made in
W.P.(MD) No.3080 of 2020
and
W.M.P.(MD)No.2633 of 2020
20.02.2020

JMN(28.02.2020) 3P : 5C