



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

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

W.P. (MD) No.4039 of 2020

and

W.M.P (MD) .No.3422 of 2020

L.Jeyapriya

... Petitioner

/vs./

1. The State of Tamil Nadu,
Rep., by its Secretary to Government,
Forest and Environment Department,
Secretariat, Chennai 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai 600 015.
3. The Forest Range Officer,
Social Forest Range,
Virudhunagar District,
Virudhunagar.
4. The Divisional Forest Officer,
Social Forest Division Office,
District Collectorate Complex,
Virudhunagar, Virudhunagar 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 grant appointment on compassionate grounds to the petitioner on the basis of petitioner's Higher Secondary Educational and Computer qualifications, considering the petitioner's applications dated 10.12.2013 and 14.08.2018 within a time limit to be fixed by this Court.

For Petitioner : Mr.T.Sakthi kumaran

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 grant appointment on compassionate grounds to the petitioner on the basis of petitioner's Higher Secondary Educational and Computer qualifications, in my view, such a decision is to be taken by the first 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 he has already made representation on 21.02.2020 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 first respondent herein to consider the petitioner's representation, dated 21.02.2020, on its own merits and pass appropriate orders within a period of three (3) months 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 first 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 (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1. The Secretary to Government,
State of Tamil Nadu,
Forest and Environment Department,
Secretariat, Chennai 600 009.

2. The Principal Chief Conservator of Forests,
Panagal Building,
Saidapet, Chennai 600 015.

3. The Forest Range Officer,
Social Forest Range,
Virudhunagar District,
Virudhunagar.

4. The Divisional Forest Officer,
Social Forest Division Office,
District Collectorate Complex,
Virudhunagar, Virudhunagar District.

+2 CC to M/s.K.MURUGAN, Advocate (SR-9157[F] dated 28/02/2020)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-9516[F] dated
02/03/2020)

Order made in
W.P. (MD) No.4039 of 2020
28.02.2020

rmk

AE (16.03.2020) 3P 8C