



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4329 of 2020

V.Malaichamy

... Petitioner

/vs./

1. The Principal Secretary to Government,
Backward Classes/Most Backward Classes/Minorities and
De-notified Welfare Department,
Secretariat,
Chennai -9.

2. The Director of Most Backward Classes and
Minority Welfare,
Ezhilagam,
Chepauk,
Chennai -5.

3. The District Backward Classes and Minorities
Welfare Officer,
District Collector Office,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularize the petitioner's service as Cook with retrospective effect, in the light of the GO Ms.No.19 BC/MBC and Minorities welfare Department, dated 7.3.2008, with all attendants benefits.

For Petitioner	:	Mr.D.Sasikumar
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 respondents to regularize the petitioner's service as Cook, in the light of the G.O.Ms.No.19, BC/MBC and

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Minorities welfare Department dated 07.03.2008, with all attendant benefits, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against any such decision, it would be appropriate for the petitioner to approach this Court.

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3.The petitioner would submit that he has already made a representation on 16.12.2019 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 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 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 16.12.2019, on its own merits and pass appropriate orders within a period of twelve 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

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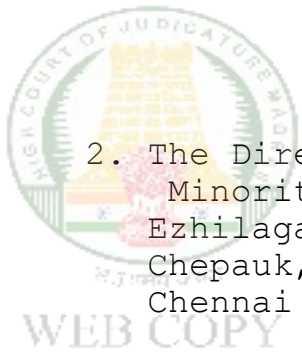
/ /2020

Sub Assistant Registrar(CS)

To

1. The Principal Secretary to Government,
Backward Classes/Most Backward Classes/Minorities and
De-notified Welfare Department,
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2. The Director of Most Backward Classes and
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Chepauk,
Chennai -5.

3. The District Backward Classes and Minorities
Welfare Officer,
District Collector Office,
Madurai.

+1 CC to M/s.D.SASIKUMAR, Advocate (SR-9394[F] dated 28/02/2020)
+1 CC to M/s.SPL.GP (SR-9630[F] dated 02/03/2020)

CP

TE : 16/03/2020 : 3P/6C

W.P. (MD) No.4329 of 2020
28.02.2020
(4/11)