



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

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

W.P. (MD) No.27344 of 2019

K.Natarajan

... Petitioner

/vs./

1.The Government of Tamilnadu,
rep., by Secretary to Government,
Public Works Department,
Secretariat, Chennai 600 009.

2.The Engineer in Chief and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai 600 005.

3.The Chief Engineer,
Public Works Department/WRO,
Trichy Division,
Trichy.

4.The Superintending Engineer,
Public Works Department/WRO,
Lower Cauvery Basin Circle,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to incorporate the petitioner's name in the 2019 recommended list for regularizing the service and consequently direct the second respondent to consider the petitioner's representation dated 03.11.2019.

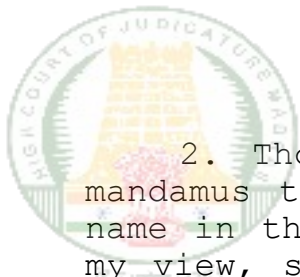
For Petitioner : Mr.K.S.Durai Pandian

For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

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2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to incorporate the petitioner's name in the 2019 recommended list for regularizing the service, 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 he has already made representation on 03.11.2019 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 respondents herein to consider the petitioner's representation, dated 03.11.2019, 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 her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Secretary to Government,
Government of Tamilnadu,
Public Works Department,
Secretariat, Chennai 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Engineer in Chief and
Chief Engineer (General)
Public Works Department,
Chepauk, Chennai 600 005.

3.The Chief Engineer,
Public Works Department/WRO,
Trichy Division,
Trichy.

4.The Superintending Engineer,
Public Works Department/WRO,
Lower Cauvery Basin Circle,
Thanjavur.

+1 CC to M/s.K.S.DURAIPANDIAN, Advocate (SR-20[F] dated
02/01/2020)

+1 CC to M/s.SPL.GP (SR-278[F] dated 06/01/2020)

Order made in
W.P. (MD) No.27344 of 2019
02.01.2020

JMN(21.01.2020) 3P : 7C