



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.154 of 2021

WEB COPY

G.Saraswathy

...Petitioner

Vs

1.The Principal Secretary to Government,
Labour and Employment Training,
Fort St George,
Chennai-600 009.

2.The Director of Employment,
Labour and Employment Department,
SIDCO Industrial Estate,
Guindy, Chennai-600 032.

3.The Commissioner,
Labour and Employment Department,
Guindy, Chennai-600 032.

4.The Tamil Nadu Public Service Commission,
Rep by the Deputy Secretary,
Government Estate, Anna Salai, Chennai-2.

5.The Joint Director of Employment & Training,
NGO Colony,
Tirunelveli-7.

6.The Principal,
Government Industrial Training Institute,
Tenkasi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1, 2, 5 and 6 to regularize the petitioner's initial appointment of Junior Assistant cum Typist forthwith and pay the withheld increments along with the arrears to her with interest by considering the petitioner's representation dated 04.03.2019.

For Petitioner : Mr.R.Maheswaran

For R1 to R-3,
R-5 and R-6 : Mr.M.Muniyasamy
Additional Government Pleader

For R-4 : Mr.D.Sivaraman
Standing Counsel



O R D E R

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

2. Since the petitioner's request to the respondents to regularize her initial appointment of Junior Assistant cum Typist and pay the withheld increments along with the arrears to her with interest were not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 21.02.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the Commissioner of Employment and Training, Labour and Employment Department, Guindy, Chennai-600 032 to consider the petitioner's representation dated 21.02.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the Commissioner of Employment and Training, Labour and Employment Department, Guindy, Chennai-600 032 to consider the petitioner's representation dated 21.02.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary to Government,
Labour and Employment Training,
Fort St George,
Chennai-600 009.
- 2.The Director of Employment,
Labour and Employment Department,
SIDCO Industrial Estate,
Guindy, Chennai-600 032.
- 3.The Commissioner,
Labour and Employment Department,
Guindy, Chennai-600 032.
- 4.The Joint Director of Employment & Training,
NGO Colony,
Tirunelveli-7.
- 5.The Principal,
Government industrial Training Institute,
Tenkasi

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-703[F] dated 08/01/2021)

+1 CC to SGP (SR-689[F] dated 08/01/2021)

+1 CC to Mr.R.MAHESWARAN, Advocate (SR-717[F] dated 08/01/2021)

Order made in
W.P. (MD) No.154 of 2021
07.01.2021

KM (20.01.2021) 3P 9C