



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.665 of 2021

WEB COPY

K.Madasamy

... Petitioner

Vs.

1.The Additional Commissioner and
Regional Director,
ESI Corporation,
Administration Branch,
3rd Floor, 143, Sterling Road,
Nungambakkam, Chennai.

2.The Deputy Director,
Administration Branch,
ESIC Hospital,
Employee's State Insurance Corporation,
Vannarpettai,
Tirunelveli

3.The Medical Superintendent,
Administrative Branch, ESIC Hospital,
Employee's State Insurance Corporation,
Vannarpettai,
Tirunelveli Town & District.

4.Jeyashankar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 herein to provide suitable employment to the petitioner on compassionate ground based on the educational qualification in accordance with law, within a time stipulated by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.I.Pinaygash for R1 to R3
1 to 3 Standing Counsel

For Respondent 4 : Mr.G.Thalaimutharasu

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.



2. Since the petitioner's request to the respondents to provide suitable employment to the petitioner on compassionate ground based on the educational qualification in accordance with law, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 29.10.2020, 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 respondents 1 to 3 herein to consider the petitioner's representation dated 29.10.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the respondents 1 to 3 to consider the petitioner's representation dated 29.10.2020, on its own merits and pass appropriate orders in accordance with law, after giving due opportunities to the petitioner as well as the fourth respondent, within a period of three months 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 (CS-I)

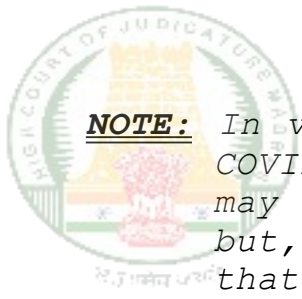
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/ /2021

Sub Assistant Registrar (CS)

TM

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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

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Employee's State Insurance Corporation,
Vannarpettai,
Tirunelveli
3. The Medical Superintendent,
Administrative Branch, ESIC Hospital,
Employee's State Insurance Corporation,
Vannarpettai,
Tirunelveli Town & District.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-12872[F] dated 23/03/2021)

W.P. (MD) No.665 of 2021

22.03.2021

VB (30/04/2021) 3P / 5C