



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1316 of 2021

WEB COPY

C.Gowthaman,
Multipurpose Health Supervisor,
Government Primary Health Centre,
Melattur,
Thanjavur District.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Health & Family Welfare Department,
Secretariat,
Chennai-9.

2.The Commissioner,
Tamil Nadu Food Safety & Drug Administration Department,
No.359, Anna Salai,
Chennai-600 006.

3.The Director of Public Health & Preventive Medicine,
Health & Family Welfare Department,
No.359, Anna Salai,
Chennai-6.

4.The Deputy Director of Health Services,
O/o. the Deputy Director of Health Services,
Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to include the name of the petitioner in the panel of Multi Purpose Supervisor (Health Inspector Grade-I) fit for promotion to the post of Non Medical Supervisor/Block Health Supervisor for the year 2019-2020 in the light of letter of the second respondent in his proceedings in R.No.2413/2012/S1/FSSA dated 29.05.2018 and by considering the petitioner's representation dated 08.01.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.S.Dhayalan
Government Advocate



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 include his name in the panel of Multi Purpose Supervisor (Health Inspector Grade-I) fit for promotion to the post of Non Medical Supervisor/Block Health Supervisor for the year 2019-2020 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 08.01.2021, 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 third respondent herein to consider the petitioner's representation dated 08.01.2021, 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 third respondent to consider the petitioner's representation dated 08.01.2021, 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.

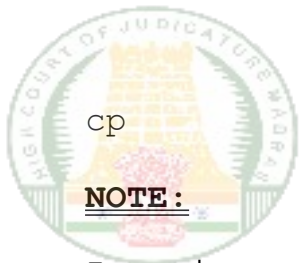
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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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

- 1.The Secretary to Government,
State of Tamil Nadu,
Health & Family Welfare Department,
Secretariat,
Chennai-9.
- 2.The Commissioner,
Tamil Nadu Food Safety & Drug Administration Department,
No.359, Anna Salai,
Chennai-600 006.
- 3.The Director of Public Health & Preventive Medicine,
Health & Family Welfare Department,
No.359, Anna Salai,
Chennai-6.
- 4.The Deputy Director of Health Services,
O/o. the Deputy Director of Health Services,
Thanjavur,
Thanjavur District.

+1 CC to M/s.GP (SR-2387[F] dated 29/01/2021)

W.P. (MD) No.1316 of 2021
27.01.2021

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ES (CO)

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