



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1508 of 2021

WEB COPY

S.Kathirkamanathan

...Petitioner

Vs.

1.The Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Social Welfare,
Panagal Building 2nd Floor,
Saidapet, Chennai-600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents i.e., the Secretary to Government, Social Welfare and Nutritious Meal Programme Department, Chennai and the Commissioner of Social Welfare, Chennai, to pass appropriate orders on the petitioner's representation dated 12.11.2020 based on the intimation given to the petitioner in letter No.23754/AD2(3)/2020 dated 22.12.2020 of the Commissioner of Social Welfare, Chennai, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

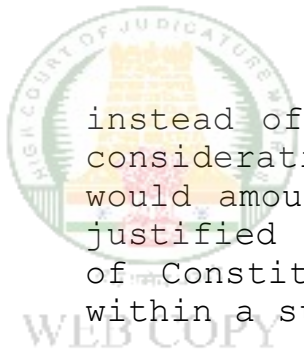
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

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 fix his pay on par with his junior Thiru. R.Narasimman was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 12.11.2020, 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



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 first respondent herein to consider the petitioner's representation dated 12.11.2020, 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 first respondent to consider the petitioner's representation dated 12.11.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 (CS-III)

// 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,
Social Welfare and Nutritious Meal Programme Department,
Secretariat, Chennai-600 009

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



2.The Commissioner of Social Welfare,
Panagal Building 2nd Floor,
Saidapet, Chennai-600 015.

+1 CC to Mr.S.VISVALINGAM, Advocate (SR-2652[F] dated
01/02/2021)

+1 CC to SGP (SR-2877[F] dated 02/02/2021)

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01.02.2021

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