



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3172 of 2021

and

W.M.P (MD) No.2517 of 2021

WEB COPY

- 1.S.Shamugaprabhu
- 2.M.S.Kumaran
- 3.S.Dhanaanthony
- 4.S.Mohammed Thajudeen
- 5.K.Nathiya
- 6.A.Chandrasekar
- 7.S.Shankar
- 8.M.Settu
- 9.R.Rajaganesh
- 10.I.Venukumar
- 11.A.Jayaraman
- 12.Ranjith Kumar

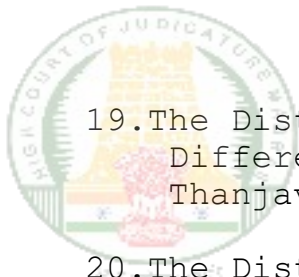
...Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by Secretary to the Government,
Ministry of Social Welfare Department,
St.George Fort,
Chennai-600 009.
- 2.The Principal Secretary,
Welfare for Differently Abled Person Department,
St.George Fort,
Chennai-600 009.
- 3.The State Commissioner-Cum-Director,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.
- 4.The Joint Director,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.
- 5.The Administrative Officer,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.



- 6.The Technical Officer,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.
- 7.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 8.The District Collector,
Trichy District, Trichy.
- 9.The District Collector,
Madurai District,
Madurai.
- 10.The District Collector,
Virudhunagar District,
Virudhunagar.
- 11.The District Collector,
Thanjavur District,
Thanjavur.
- 12.The District Collector,
Thiruvarur District,
Thiruvarur.
- 13.The District Collector,
Karur District, Karur.
- 14.The District Collector,
Kanyakumari District,
Kanyakumari.
- 15.The District Differently Abled Officer,
Differently Abled Welfare Department,
Ramanathapuram District.
- 16.The District Differently Abled Officer,
Differently Abled Welfare Department,
Trichy District.
- 17.The District Differently abled officer,
Differently abled welfare department, Madurai District.
- 18.The District Differently Abled Officer,
Differently Abled Welfare Department,
Virudhunagar District.



19.The District Differently Abled Officer,
Differently Abled Welfare Department,
Thanjavur District.

20.The District Differently Abled Officer,
Differently Abled Welfare Department,
Thiruvarur District.

21.The District Differently Abled Officer,
Differently Abled Welfare Department,
Karur District.

22.The District Differently Abled Officer,
Differently Abled Welfare Department,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 to 6, 15 to 22 to regularization from the petitioners service respective date of appointment and to pay all the service benefits, on the light of proceedings of the third respondent in Na.Ka.No.407/Nir-5/2019, dated 09.01.2020 on the basis of the petitioners' representation dated 29.08.2020 within the time stipulated by this Court.

For Petitioners	: Mr.P.M.Vishnuvarthanan
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 petitioners' request to the respondents to regularize their service from the respective date of appointment and to pay all the service benefits was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representation in this regard on 18.01.2021, 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 respondents 3 to 6 and 15 to 22 herein to consider the petitioners' representation dated 18.01.2021, 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 respondents 3 to 6 and 15 to 22 to consider the petitioners' representation dated 18.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// 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 Secretary to the Government,
State of Tamil Nadu,
Ministry of Social Welfare Department,
St. George Fort,
Chennai-600 009.

2. The Principal Secretary,
Welfare for Differently Abled Person Department,
St. George Fort,
Chennai-600 009.

3. The State Commissioner-Cum-Director,

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



Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.

4.The Joint Director,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.

5.The Administrative Officer,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.

6.The Technical Officer,
Welfare for Differently Abled Person Department,
Lady Wellington College Campus,
No.5, Kamarajar Salai,
Chennai-600 005.

7.The District Collector,
Ramanathapuram District,
Ramanathapuram.

8.The District Collector,
Trichy District, Trichy.

9.The District Collector,
Madurai District,
Madurai.

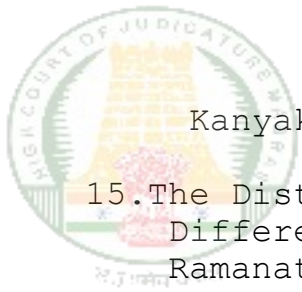
10.The District Collector,
Virudhunagar District,
Virudhunagar.

11.The District Collector,
Thanjavur District,
Thanjavur.

12.The District Collector,
Thiruvarur District,
Thiruvarur.

13.The District Collector,
Karur District, Karur.

14.The District Collector,
Kanyakumari District,



Kanyakumari.

15.The District Differently Abled Officer,
Differently Abled Welfare Department,
Ramanathapuram District.

16.The District Differently Abled Officer,
Differently Abled Welfare Department,
Trichy District.

17.17.The District Differently abled officer,
Differently abled welfare department, Madurai District.

18.The District Differently Abled Officer,
Differently Abled Welfare Department,
Virudhunagar District.

19.The District Differently Abled Officer,
Differently Abled Welfare Department,
Thanjavur District.

20.The District Differently Abled Officer,
Differently Abled Welfare Department,
Thiruvarur District.

21.The District Differently Abled Officer,
Differently Abled Welfare Department,
Karur District.

22.The District Differently Abled Officer,
Differently Abled Welfare Department,
Kanyakumari District.

W.P. (MD) No.3172 of 2021
18.02.2021

Sv2 (CO)

KB(04.03.2021) 6P 23C