



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.3318 of 2021

R.Sivasailam

...Petitioner

Vs.

1.The Director,
Siddha Medicine Wing,
Health Department,
Arumpakkam, Chennai.

2.The District Siddha Medical Officer,
Thoothukudi Medical College Campus,
Thoothukudi-3.

3.The Government Primary Health Centre,
Mudalur-628 702,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 20.01.2020 within a stipulated period as framed by this Court.

For Petitioner : Mr.J.David Ganesan

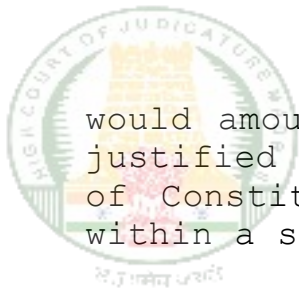
For R-2 and R-3 : Mrs.V.P.M.Vaishnavi
Government Advocate

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 sanction the salary for the period of Medical Leave and to sanction three increments, which was not granted to him, were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.01.2020, 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 second respondent herein to consider the petitioner's representation dated 20.01.2020, 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 second respondent to consider the petitioner's representation dated 20.01.2020, 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 ()

// True Copy //

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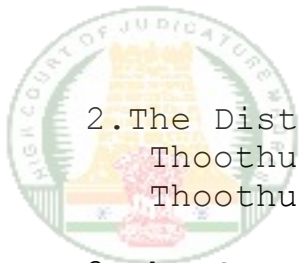
Sub Assistant Registrar(CS)

Cp

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 Director,
Siddha Medicine Wing,
Health Department,
Arumpakkam, Chennai.



2.The District Siddha Medical Officer,
Thoothukudi Medical College Campus,
Thoothukudi-3.

3.The Government Primary Health Centre,
Mudalur-628 702,
Thoothukudi District.

+1 CC to SPL GP (SR-6663[F] dated 23/02/2021)

+1 CC to Mr.J.DAVID GANESAN, Advocate (SR-6906[F] dated
24/02/2021)

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22.02.2021

KM (08.03.2021) 3P 6C