



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2852 of 2021

and

W.M.P (MD) No.2331 of 2021

Tharmalingam

...Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu,
Public Works Department,
Fort St.George,
Chennai-600009.

2.The Chief Engineer (Civil),
Engineer-in Chief Office,
Public Works Department,
Chepauk, Chennai-600 005.

3.The Chief Engineer,
Water Resources Department,
Madurai Region, Madurai.

4.The Assistant Executive Engineer,
Public Works Department,
Vaigai Dam, Aundipatti Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to permit the petitioner to continue in his service as NMR Employee and to pay Minimum Pay Scale applicable to the basic services as per the orders dated 31.01.2019 made in W.P(MD) No.24081 of 2018 within the stipulated time fixed by this Court by following the G.O(Ms) No.137, Public Works (2) Department, dated 13.09.2019 and in G.O(MS) No.233, Public Works (C2) Department, dated 06.12.2019 and by considering his representation dated 17.12.2020 and for other reliefs.

For Petitioner : Mr.B.Arun

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.

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2. Since the petitioner's request to the respondents to permit him to continue in service as NMR Employee and to pay Minimum Pay Scale applicable to the basic services was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 17.02.2020, 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 17.02.2020, 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 17.02.2020, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

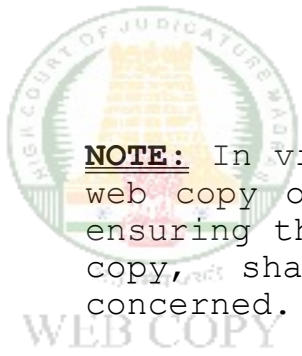
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/ /2021

Sub Assistant Registrar (CS)

CP

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



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 of Tamil Nadu,
Public Works Department,
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Chennai-600 009.

2.The Chief Engineer (Civil),
Engineer-in Chief Office,
Public Works Department,
Chepauk, Chennai-600 005.

3.The Chief Engineer,
Water Resources Department,
Madurai Region,
Madurai.

4.The Assistant Executive Engineer,
Public Works Department,
Vaigai Dam,
Aundipatti Taluk,
Theni District.

+1 CC to Mr.B.ARUN, Advocate (SR-5992[F] dated 18/02/2021)

Order made in
W.P. (MD) No.2852 of 2021 and
W.M.P (MD) No.2331 of 2021
16.02.2021
(6/7)

PM(CO)
SRS (18/03/2021) 3P : 6C