



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6246 of 2021

and W.M.P. (MD).No.4861 of 2021

WEB COPY

U.Muthu

...Petitioner

Vs.

- 1.The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 600 005.
- 3.The Director Adi Dravidar Welfare Officer,
Office of the District Collectorate,
Sivagangai, Sivagangai District.
- 4.The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Devakottai Taluk Office, Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to regularise his services as Driver with effect from the date of his initial appointment i.e., 28.06.2012 under the 3rd respondent office and to pay all attendant and monetary benefits on the basis of his representation, dated 04.12.2020.

For Petitioner : Mr.C.Gangai Amaran

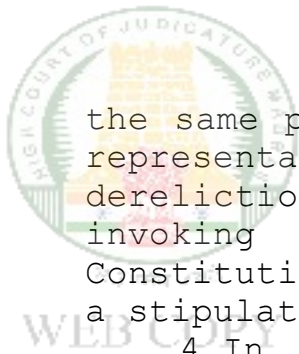
For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate

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 regularise his services as Driver with effect from the date of his initial appointment i.e., 28.06.2012 under the 3rd respondent office and to pay all attendant and monetary benefits, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 04.12.2020, 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



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 herein to consider the petitioner's representation dated 04.12.2020, 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 respondents to consider the petitioner's representation dated 04.12.2020, 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-I)

// 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.*

TM

To

1. The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 600 009.



- 2.The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 600 005.
- 3.The Director Adi Dravidar Welfare Officer,
Office of the District Collectorate,
Sivagangai, Sivagangai District.
- 4.The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Devakottai Taluk Office, Sivagangai District.

+1 CC to M/s.SPL GP (SR-12970[F] dated 23/03/2021)

W.P. (MD) No.6246 of 2021
19.03.2021

GS (22.04.2021) 3P 6C