



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.5655 of 2021

Muthumari

...Petitioner

Vs.

1. The State of Tamilnadu represented by,
The Principal Secretary to the Government,
Health and Family Welfare Department,
Fort St.George,
Chennai.
2. The Director,
Directorate of Public Health and Preventive Medicine,
DMS Complex,
Thennampettai,
Chennai.
3. The Deputy Director,
Directorate of Public Health and Preventive Medicine,
Sivakasi (division),
Virudhunagar District.
4. The District Collector,
Office of District Collector,
Virudhunagar District.
5. The Medical Officer,
Primary Health Centre,
Nenmeni,
Sattur Vattam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to regularize the petitioner's service and to direct the respondents to immediately take steps to pay the very same wages payable to a person doing similar sweeper work in other departments, by adopting the principle 'equal pay for equal work' by considering the petitioner's representation dated 13.10.2020 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Mahnendran

Additional 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 regularize her service and to take steps to pay the very same wages payable to a person doing similar sweeper work in other departments, by adopting the principle 'equal pay for equal work' was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 13.10.2020, 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 13.10.2020, 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 13.10.2020 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

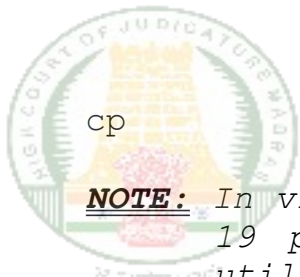
Sd/-

Assistant Registrar (CS-II)

// 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 The Principal Secretary to the Government,
The State of Tamilnadu,
Health and Family Welfare Department,
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Chennai.
2. The Director,
Directorate of Public Health and Preventive Medicine,
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Thennampettai,
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4. The District Collector,
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Virudhunagar District.
5. The Medical Officer,
Primary Health Centre,
Nenmeni,
Sattur Vattam,
Virudhunagar District.
Karur.

+1 CC to SPL GP (SR-11535[F] dated 16/03/2021)

+1 CC to Mr.R.ALAGUMANI, Advocate (SR-11722[F] dated 17/03/2021)

W.P. (MD) No.5655 of 2021
15.03.2021

VB (07.04.2021) 3P 8C