



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.7085 of 2021

1.J.Oyyaanthal
2.M.Panjuvalli
3.R.Saratha

...Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai.

2.The Director,
Public Health and Preventive Medicine,
Anna Salai, DMS Complex,
Teynampet, Chennai - 6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to fix and disburse the minimum wages in the light of G.O.Ms.792 Health and Family Welfare (AB1) Department dated 05.04.2017 and by considering the petitioners' representation dated 25.09.2019 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

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 fix and disburse the minimum wages in the light of G.O.Ms.792 Health and Family Welfare (AB1) Department dated 05.04.2017, was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representation in this regard on 25.09.2019, 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 herein to consider the petitioners' representation dated 25.09.2019, 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 petitioners' representation dated 25.09.2019, 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 (RTI ACT)

// 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 Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.
2. The Director,
Public Health and Preventive Medicine,
Anna Salai, DMS Complex,
Teynampet, Chennai - 6.

+1 CC to M/s. AJMAL ASSOCIATES, Advocate (SR-14504[F] dated 30/03/2021)

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GS (24.04.2021) 2P 4C