



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8454 of 2020

and W.M.P. (MD) .No.7841 of 2020

WEB COPY

R.Sivagamiyin Selvi

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep by its Secretary,
Health and Family Welfare Department
Fort St.George, Chennai - 600 009.

2. The Governing Body,

Tamil Nadu State AIDS Control Society,
Rep by its Secretary,
Govt Health and Family Welfare Department
417, Pantheon Road, Egmore,
Chennai - 600 008

3. The Executive Committee,

Tamil Nadu State AIDS Control Society,
Rep by its President,
417, Pantheon Road, Egmore,
Chennai - 600 008

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to regularise the service of the petitioner in the post of Counsellor and place her in regular time Scale of Pay atleast from the date of completion of 10 years of service by considering her representation dated 17.10.2019.

For Petitioner : Mr.K.Ragatheesh Kumar

For Respondents : Mrs.J.Padmavathi Devi for R1
Special Government Pleader

Mr.B.Prahalad Ravi,
for R2 and R3

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 the service of the petitioner in the post of Counsellor and Place her in regular time scale of pay atleast from the date of



completion of 10 years of service was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 17.10.2019, 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 petitioner's representation dated 17.10.2019, 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 petitioner's representation dated 17.10.2019, on its own merits and pass appropriate orders in accordance with law, within a period of two 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 (Writs)

// 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.



To

1.The Secretary
State of Tamil Nadu
Health and Family Welfare Department
Fort St.George, Chennai - 600 009.

2. The Secretary,
Tamil Nadu State AIDS Control Society,
Government Health and Family Welfare Department
417, Pantheon Road, Egmore,
Chennai - 600 008

3. The Executive Committee,
Tamil Nadu State AIDS Control Society,
Rep by its President,
417, Pantheon Road, Egmore,
Chennai - 600 008.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-14711[F] dated 31/03/2021
)

W.P. (MD) No.8454 of 2020
30.03.2021

SDS(13.05.2021) 3P 5C