



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13606 of 2022

and

W.M.P.No.12828 of 2022

1.B.Dhanalakshmi

2.A.Krishnamoorthy

3.M.Sujith Kumar

...Petitioners

Vs.

1.Principal Secretary to Government,  
Labour & Employment Department,  
Secretariat,  
Chennai - 600 009.

2.The Additional Chief Secretary to Government,  
Animal Husbandry Dairying & Fisheries Department,  
Secretariat,  
Chennai - 600 009.

3.The Commissioner for Milk Production,  
Milk Production and Diary Development,  
Madhavaram,  
Chennai - 600 051.

4.The General Manager,  
Coimbatore District Co-op Milk Producers,  
Union Ltd., New Diary Complex, Panchapalayam,  
Kalampalayam Post, Perur Via,  
Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to dispose off their representation dated 12.04.2022 by regularising their services from the date of their initial appointment i.e.01.12.1994 under compassionate appointment within the time frame as fixed by this Court.



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For Petitioner : M/s.T.P.Savitha

For Respondents: Mr.T.Chezhiyan,  
Additional Government Pleader  
( for R.1 and R.2)

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.The petitioners herein have given a representation to the respondents on 12.04.2022 seeking to regularise their services from the date of their initial appointment i.e. 01.12.1994 under compassionate appointment. Since the said representation was not considered, the present writ petition has been filed.

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 respondent 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, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 12.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Vacation Officer

//True Copy//

Sub Assistant Registrar



1.Principal Secretary to Government,  
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Secretariat,  
Chennai - 600 009.

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Kalampalayam Post, Perur Via,  
Coimbatore.

+3cc to M/s.T.P.Savitha, Advocate, S.R.No.32086

W.P.No.13606 of 2022  
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KK(CO)  
SB(15/06/2022)