



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.40331 of 2016

and

W.M.P.Nos.34406 of 2016 & 29047 of 2017

Latha

...Petitioner

-Vs-

1. Government of Tamilnadu
Rep. by its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat, Chennai - 600 009.
2. The Chairman cum Managing Director,
Chennai Metro Water Supply and Sewage Board, (CMWSB)
No.1 Pumping Station Road,
Chindathripet, Chennai - 600 002.
3. The General Manager,
Chennai Metro Water Supply and
Sewage Board, (CMWSB)
No.1, Pumping Station Road,
Chindathripet, Chennai - 600 002.
4. The Senior Administrative Officer,
Chennai Metro Water Supply and
Sewage Board, (CMWSB)
No.1, Pumping Station Road,
Chindathripet, Chennai - 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to appoint petitioner's son viz., M.Balasubramani instead of petitioner viz., M.Latha under compassionate ground in any suitable post in the Respondent Board in order to protect their family livelihood based on the application dated 21.03.2016.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.C.Selvaraj,
Addl. Government Pleader for R1

RR2 to 4 - No Appearance



ORDER

The petitioner herein had given representations to the respondents to appoint petitioner's son viz., M.Balasubramani instead of petitioner viz., M.Latha under compassionate ground in any suitable post in the Respondent Board in order to protect their family livelihood.

2 It is needless to point out that whenever representations of this nature are 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.

3 Since the representation given by the petitioner dates back between the year 2004 to 2016, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents to consider the same.

4 In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents along with his earlier applications dated 08.10.2004 and 21.03.2016, ventilating his grievances. On receipt of the same, the respondents consider it on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of such representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5 With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Chairman cum Managing Director,
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+1cc to the Government Pleader, S.R.No.6883

W.P.No.40331 of 2016 and
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AJS (CO)
SU(17/02/2022)