



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.27639 OF 2017
(THROUGH VIDEO CONFERENCE)

Port and Dock Labour Union,
Reg. No.394/MDS,
Rep., by its General Secretary,
No.1/675, 1st Street, Muthamizh nagar,
Chennai 600 118

...Petitioner

-Vs-

1. Union of India,
Rep. by its Secretary,
Ministry of Shipping,
No.1, Sansad Marg,
New Delhi 110 001
2. Chennai Port Trust,
Rep. by its Chairman,
Rajaji Salai, Chennai 600 001
3. The Chief Vigilance Officer,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to consider and take appropriate action to the representation of the petitioner dated 24.04.2017.

For Petitioner : Mrs.Subulaxmi Samanta

For R-1 : Mr.R.Veludas,
Central Govt., Standing Counsel

For RR 2 & 3 : Mr.M.Palanimuthu



O R D E R

The petitioner herein had given their representation dated 24.04.2017 to the respondents, requesting to initiate action against one Dr.Raja Ravi Varma, for permitting the staffs to celebrate private functions, namely, birthday parties, wedding day celebrations..etc. at the Operation Theatre itself, which is a highly sterilized area and permitting the same, had lead to cause of infection to the patients, who are being treated at the Hospital. Since the petitioner's representation has not been considered till date, the petitioner has approached this Court by way of filing this writ petition.

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 was made on 24.04.2017, it would not be appropriate to direct the respondents to consider the same after a lapse of four years. On the other hand, if the petitioner is granted liberty to give a fresh representation with a consequential direction to the respondents to consider the same, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the respondents, along with a copy of the earlier representation dated 24.04.2017, ventilating their grievances as expeditiously as possible and on receipt of such representation from the petitioner, the respondents shall 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 the fresh representation made by the petitioner.

5. With the above directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

sts

Sub Assistant Registrar



To:

1. The Secretary, Union of India,
Ministry of Shipping,
No.1, Sansad Marg,
New Delhi 110 001
2. The Chairman,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001
3. The Chief Vigilance Officer,
Chennai Port Trust,
Rajaji Salai, Chennai 600 001

+1cc to M/s.Samanta & Ston, Advocate, S.R.No.1726

W.P.No.27639 of 2017

SMI (CO)
PM/27/01/2022