



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) .No.11817 of 2022

V.Subramanian

... Petitioner

Vs.

1.The Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Public Health and
Preventive Medicine,
Thenampet,
Chennai - 600 006.

3.The Deputy Director of Medical Services (Leprosy),
Tirunelveli - 627 011. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give Notional promotion to the petitioner as Non Medical Supervisor with effect from 07.11.2008 instead of 12.02.2016 and provide all the monetary and consequential benefits to the petitioner on the basis of the petitioner's representation dated 29.12.2021.

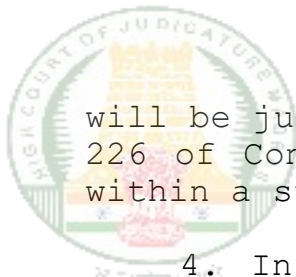
For Petitioner	:	M/s.T.Indrachithu
For Respondents	:	Mr.G.Suriyananth, Additional Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 29.12.2021 seeking for notional promotion as Non Medical Supervisor with effect from 07.11.2008 instead of 12.02.2016. 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 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, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 29.12.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The Principal Secretary,
Health and Family Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Public Health and
Preventive Medicine,
Thenampet,
Chennai - 600 006.

3.The Deputy Director of Medical Services (Leprosy),
Tirunelveli - 627 011.

+1 CC to M/s.T. INDRACHITHU, Advocate (SR-25746[F] dated 15/06/2022)

+1 CC to M/s.SPL.GP. (SR-26415[F] dated 17/06/2022)

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NSN(CO)
KB(30.06.2022) 2P 6C

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