



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.12483 of 2022

K.Babu Kannan

... Petitioner

Vs.

1. The Director of Public Health and Preventive Medicine,
356, DMS Complex,
Anna Salai,
Chennai - 600 006.

2. The Deputy Director of Health Services,
Sivakasi,
Virudhunagar District.

3. The Block Medical Officer,
Government Primary Health Centre,
Uppathur,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to revise the petitioner's appointment as Junior Assistant with effect from his date of appointment, i.e., 12.06.2019 and further direct to the first respondent to provide subsequent promotions by taking into account of the service rendered by the petitioner in the cadre of Driver with effect from 12.06.2019 along with back wages and other monetary benefits within a stipulated time.

For Petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

O R D E R

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 03.12.2021 seeking to revise the appointment as



Junior Assistant with effect from his date of appointment, i.e., 12.06.2019 and further direct the first respondent to provide subsequent promotions by taking into account of the service rendered by him in the cadre of Driver with effect from 12.06.2019 along with back wages and other monetary benefits within a stipulated time. 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 first respondent herein to consider the petitioner's representation dated 03.12.2021 on its own merits and pass appropriate orders in accordance with law, within a period of four 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.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji

To

1. The Director of Public Health and Preventive Medicine,
356, DMS Complex,
Anna Salai,
Chennai - 600 006.
2. The Deputy Director of Health Services,
Sivakasi,
Virudhunagar District.



3. The Block Medical Officer,
Government Primary Health Centre,
Uppathur,
Virudhunagar District.

WEB COPY

+1 CC to M/s.V. MUTHUKAMATCHI, Advocate (SR-27048[F] dated
21/06/2022)

+1 CC to M/s.SPL.GP (SR-27137[F] dated 21/06/2022)

W.P. (MD) No.12483 of 2022
20.06.2022

MGJ(30.06.2022) 3P 6C