



WP(MD)No.15891 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.15891 of 2022

T.Kalaiyarasan

... Petitioner

/vs./

- 1.The Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner,
Milk Production and Dairy Development,
Nandanam, Chennai-600 034.
- 3.The General Manager,
Thanjavur District Cooperative Milk
Producers Union Limited,
Thanjavur-613 006.
- 4.The Deputy Registrar (Dairying),
Dairy Development Department,
Old Collector's Office, Court Road,
Thanjavur-613 007.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to regularise the petitioner's services, with consequential monetary and service benefits, on par with the regularisation of the similarly placed persons in G.O.(2D)No.138, Animal Husbandry, Dairying and Fisheries (MP.II) Department, dated 28.09.2007, as per the proposal submitted by the fourth respondent to the second respondent in his Letter Na.Ka.No.150/2021/A , dated 22.01.2021.

For Petitioner : Mr.G.Kannan
For Respondents : Mr.P.Thilak Kumar,
Government Pleader
Assisted by Mr.M.Ramesh
Government Advocate

ORDER

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

2. The fourth respondent had sent a proposal to the second respondent on 22.01.2021 seeking to regularize the service of the petitioner and one Tmt.S.Lalitha, by relaxing the rule requiring appointment through employment exchange as has been done in G.O(2D) No.138, Animal Husbandry, Dairying and



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Fisheries (MP.II) Department, dated 28.09.2007. Since the said proposal was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a proposal 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 proposal 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 and second respondents herein to consider the proposal of the fourth respondent dated 22.01.2021 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



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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.

22.07.2022

Index : Yes / No

Internet : Yes / No

btr/lm

To

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M.S.RAMESH, J.

btr/lm

Order made in
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