



WP(MD)No.15855 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM:

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

W.P.(MD)No.15855 of 2022

A.Kathirvel

... 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 Ltd.,
Thanjavur – 613 006.

4.The Deputy Registrar (Dairying),
Dairy Development Department,
Old Collector's Office, Court Road,
Thanjavur – 613 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to regularise the service of the Petitioner, on par with the regularisation of the similarly placed persons in G.O.(2D) No. 138, Animal Husbandry, Dairying and Fisheries (MP.II)



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Department, dated 28.09.2007 and following the Orders passed in W.P.(MD) No. 21440 of 2015, dated 19.02.2021 and to grant all consequential Monetary and service benefits accrued on such regularisation.

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 petitioner herein had given a representation to the respondents on 01.06.2022 seeking for regularization of the Petitioner's service, on par with the regularization of the similarly placed persons in G.O.(2D) No. 138, Animal Husbandry, Dairying and Fisheries (MP.II) Department, dated 28.09.2007 and following the Orders passed in W.P.(MD)No.21440 of 2015, dated 19.02.2021



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and granting of all consequential monetary and service benefits accrued on such regularization. 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 01.06.2022 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



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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.

21.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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Order made in
W.P.(MD) No.15855 of 2022

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21.07.2022