



WP(MD)No.16218 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

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

W.P.(MD)No.16218 of 2022

M.Rajkumar

... Petitioner

/vs./

- 1.The Principal Secretary to Government,
Health Department,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Revenue Administration & Disaster Management Department,
Fort St.George,
Chennai – 600 009.
- 3.The Director of Indian Medicine & Homeopathy,
Arumbakkam, Chennai – 600 106.
- 4.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai – 600 005.
- 5.The District Collector,
Pudukottai District, Pudukottai.
- 6.The District Siddha Medical Officer,
Pudukottai.

... 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 to transfer the petitioner from the Health Department to his parent department viz Revenue department based on his request dated 10/2/2020 and as forwarded by the 6th respondent to the 3rd respondent vide proceedings dated 10/2/2020 in Na.Ka.No.38/Ni 1/2020.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2.The petitioner herein had given several representations to the respondents seeking for transfer of the petitioner from the Health Department to his parent department, viz Revenue department, based on his request dated 10/02/2020 and as forwarded by the 6th respondent to the 3rd respondent vide proceedings dated 10/2/2020 in Na.Ka.No.38/Ni 1/2020. Since the said representations were not considered, the present writ petition has been filed.



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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 petitioner to give a fresh representation to the respondents, though he has made several representations, seeking for transfer of the petitioner from the Health Department to his parent department, viz Revenue department and on receipt of such representation, the fifth respondent herein shall consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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



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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.

25.07.2022

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

Sm

Order made in
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