



WP(MD)No.18875 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2022**

CORAM:

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

W.P.(MD)No.18875 of 2022

Dr.Chendurnayaki

... Petitioner

/vs./

- 1.The Director,
Rural and Medical Health,
359, Anna Salai,
DMS Complex,
Chennai.
- 2.The Director,
Department of Public Health and Disease Prevention,
64, 75 Main Road,
Sokkalingam Nagar,
Thenampettai, Chennai.
- 3.The Director,
Medical and Rural Welfare Department,
64, 75 Main Road,
Sokkalingam Nagar,
Thenampettai, Chennai.
- 4.The District Collector,
Office of the Collectorate Building,
7A National Highway,
PSP Nagar, Koramppallam,
Thoothukudi.



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5.The Dean,
Thoothukudi Medical College Hospital,
Kamaraj Nagar,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the Respondents herein to disburse pending incentive as per G.O.(Standing) No.461 dated 26.10.2021 (April, May and June) as well as arrears of the petitioner's salary for the periods of June, July, 2021, pending with the Respondents and to provide job opportunity to the petitioner, by considering the petitioner's representation dated 01.08.2022, within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.M.Siddharthan

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 01.08.2022 seeking for disbursement of pending incentive, as per G.O.(Standing)



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No.461, dated 26.10.2021 (April, May and June) as well as arrears of her salary for the periods of June and July, 2021 and for providing job opportunity. 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 fourth respondent herein to consider the petitioner's representation dated 01.08.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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



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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.

22.08.2022

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

Sm

Order made in
W.P.(MD)No.18875 of 2022

Dated:
22.08.2022