



WP(MD)No.20795 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20795 of 2022

U.Pandiyaraj

... Petitioner

-Vs-

- 1.The Secretary to Government,
Youth Welfare and Sports Development Department,
Fort St.George, Chennai-600 009.
- 2.The Directorate of National Cadet Corps,
Directorate of National Cadet Corps,
Tamil Nadu, Pondicherry, Andaman and
Nicobar Islands Wing,
Fort St.George, Chennai-600 009.
- 3.The District Collector,
Office of the District Collector,
Sivagangai District.



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4.The Commanding Officer,
9 (TN) Battalion NCC, Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to regularize the petitioner's services in the Regular Time Scale of Pay and to pay all attendant monetary benefits by considering the petitioner's representation dated 22.09.2021 within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.R.Ragavendran,
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 22.09.2021, to regularize the petitioner's services in the regular time scale of pay and to pay all attendant monetary benefits. Since the said representation was 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 second respondent herein to consider the petitioner's representation dated 22.09.2021, 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 the concerned respondent to consider the same on its own merits.



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02.09.2022

Index : Yes / No

Internet : Yes / No

Myr / Rmk

TO:

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Youth Welfare and Sports Development Department,
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M.S.RAMESH, J.

Myr / Rmk

Order made in
W.P.(MD)No.20795 of 2022

Dated:
02.09.2022