



W.P.No.6797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6797 of 2023

M/s.Protchem National Employees Union
(Registration No.762/RTU/91-PLLF)
Rep. by its President,
M. Mani, S/o. Muthu
No.6, Pudhu Nagar, Abhishakappakkam,
Puducherry – 605 007.

... Petitioner

Vs.

- 1.The Secretary to Government (Labour),
Government of Puducherry,
Labour Department,
Vazhudavoor Main Road,
Gandhi Nagar, Puducherry – 605 009.
- 2.The District Collector,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry – 605 009.
- 3.The Tahsildar,
100 Feet Road, Adjacent RTO,
Puducherry – 605 004.
- 4.M/s.Goenka Infrastructures Pvt. Ltd.,
Rep. by its Senior Executive Mr.K. Sathyanathan,
Fountain Plaza, No.222, Pantheon Road,
Egmore, Chennai – 600 008.



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5.M/s.Protchem Industries India Ltd.,
Rep. by its Directors Mr.Arunachalam Kathamuthu
Mr.Ramamoorthy, Mr.Manickam, Mr.Thangavel,
Mr.Krishnaswami Mohan, Mr.Govindasamy Ravindhiran,
F-105, III Street, Behind Valliammal College,
Anna Nagar East, Chennai – 600 102.

6.M/s.Chakranemi Infrastructure Pvt. Ltd.,
Rep. by its Mr.Jitendra Goenka, Mr.Shivbhagwan Goenka
No.222, 1st Floor, Fountain Plaza,
Pantheon Road, Egmore, Chennai – 600 008.

7.M/s.Foods Fats and Fertilizers Ltd.,
Rep. by its Director Sh.S. Goenka,
Fountain Plaza, Post Box No.759,
7th Floor, Pantheon Road, Egmore,
Chennai – 600 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass such further or other order on the petitioner's representation dated 01.12.2022.

For Petitioner : Mr.A. Kalaiselvan

For Respondents : Mr.R. Sreedhar, [R1 to R3]
Additional Government Pleader (P)

ORDER

Mr.R. Sreedhar, learned Additional Government Pleader
(Puducherry), takes notice for the respondents 1 to 3. With the consent



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of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representation on 01.12.2022 to the second respondent, requesting him to take speedy action directly or by directing the third respondent to initiate the proceedings against the respondents 4, 6 & 7 and complete the proceedings initiated by the third respondent against 5th respondent. Since the said representation was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever 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 the Constitution of India and direct them to consider the same within a stipulated time.



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4. In the light of the above observation, there shall be a direction to the second respondent, to consider the petitioner's representation dated 01.12.2022, 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 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 ordered. No costs.

07.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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- 2.The District Collector,
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- 3.The Tahsildar,
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M.S.RAMESH, J.

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