



W.P.No.6714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6714 of 2023

S.Sathya

...Petitioner

Vs

1.State of Tamil Nadu
Rep. by its Secretary,
Rural Welfare and Panchayat Raj Department,
Fort St. George, Chennai – 9.

2.The Director,
Rural Welfare and Panchayat Raj Department,
Panagal Malgai, 4th & 5th Floor,
Abdul Razzak St, Saidapat,
Chennai, Tamil Nadu – 600 015.

3.The Collector,
Krishnagiri.

4.The Block Development Officer,
Office of the Block Development Office,
Hosur – 635 109.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to regularize the period of absence of the petitioner from 04.02.2014 to 23.06.2016 as leave on loss of pay or extraordinary leave and



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consequently direct the respondents to declare the probation of the petitioner and grant her with annual increment and all other service and monetary benefits.

For Petitioner : M/s.S.Suneetha
For Respondents : M/s.E.Yamuna Devi
Government Advocate

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the third respondent on 31.01.2023 seeking for a direction to regularize the period of her absence and to declare the probation, together with all service and monetary benefits. 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



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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 third respondent herein to consider the petitioner's representation dated 31.01.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 disposed of.

No costs.

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

hvk

To

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Rural Welfare and Panchayat Raj Department,
Fort St. George, Chennai – 9.
- 2.The Director,
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