



W.P.No.5306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5306 of 2023

and

W.M.P.No.5344 of 2023

- 1.R.Surya
- 2.M.Siva
- 3.V.Saravanan
- 4.R.Raguraman
- 5.G.Muthu
- 6.M.Rajasekar
- 7.K.Kalidass
- 8.C.Joseph Jayachandar
- 9.S.Venkatesan
- 10.S.Kalaiselvan
- 11.S.Thananjayan
- 12.U.Gokulraj
- 13.K.Venkatesan
- 14.J.Shanmugasundaram
- 15.R.Balaji
- 16.K.Murugan
- 17.N.Rajan
- 18.S.Ramesh
- 19.K.Sathish Kumar
- 20.J.Raaghul
- 21.S.Gopinath
- 22.R.Loganathan
- 23.J.Kannathasan
- 24.K.Mohan



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25.D.Ram Kumar
26.K.Prabu
27.D.Mahendiran
28.N.Kalaivanan
29.R.Karthick
30.R.Dinesh Kumar
31.V.Nunnia Patham
32.B.Vijayakumar
33.S.Ashok Kumar
34.M.Kumaraguru
35.K.Rajagambeeram
36.D.Rajasekar
37.R.Ruthiramurthy
38.S.Ashok
39G.Vijayakumar
40V.Aswinkumar

...Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Health and Family Welfare,
Fort Saint George, Chennai – 600 009.
- 2.The Director,
Department of Public Health and
Preventive Medicine,
Teynampet, Chennai - 600 006.
- 3.The Deputy Director,
Public Health and Preventive Medicine,
The Filaria Officer (i/c),
National Flaria Control Unit,
Chengalpet.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to regularize the service of the petitioners, with effect from the date of the petitioners' original appointment in the post of Mazdoor (Sanitary Workers) and give all service benefits.

For Petitioners : Mr.S.Vijayakumar

For Respondents : Ms.M.Jayanthi,
Additional Government Pleader

ORDER

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

2. The learned counsel for the petitioners submitted that the petitioners herein had jointly given a representation to the respondents on 06.02.2023, seeking for regularization of their services from the date of their original appointment in the post of Mazdoor. The said representation has not been considered till date. The learned counsel also submitted that the services of similarly placed persons, who were appointed along with the petitioners herein, have been regularized.



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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 petitioners' representation dated 06.02.2023, 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

23.02.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk

To

1. The Secretary,
Health and Family Welfare,
Fort Saint George, Chennai – 600 009.
2. The Director,
Department of Public Health and
Preventive Medicine,
Teynampet, Chennai - 600 006.
3. The Deputy Director,
Public Health and Preventive Medicine,
The Filaria Officer (i/c),
National Filaria Control Unit,
Chengalpet.



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M.S.RAMESH,J.

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