



W.P.No.6096 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6096 of 2023

R. Thangasamy

... Petitioner

Vs.

1.The Secretary to the
Government of Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Engineer-in-Chief (Water Resources Organisation)
Public Works Department,
Chepauk,
Chennai – 600 005.

3.Chief Engineer (General),
Public Works Department,
Chepauk,
Chennai – 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 3rd respondents to pass orders on petitioner's representation dated 09.11.2022 by granting compassionate allowance from the date of removal.



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For Petitioner : M/s.P.V.S. Giridhar Associates

For Respondents : Mr.D. Ravichander,
Special Government Pleader

ORDER

Mr.D. Ravichander, learned Special Government Pleader, takes notice for the respondents. 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 representations on 13.02.2003 and 09.11.2022, seeking to grant him compassionate allowance. Since the recent representation dated 09.11.2022 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



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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.

4. In the light of the above observation, there shall be a direction to the first and third respondents herein, to consider the petitioner's representation dated 09.11.2022 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

01.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.

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To

- 1.The Secretary to the
Government of Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Engineer-in-Chief (Water Resources Organisation)
Public Works Department,
Chepauk,
Chennai – 600 005.
- 3.Chief Engineer (General),
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