



W.P.No.11796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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P. Raja

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Agricultural Department,
Fort St. George,
Chennai.

2.The Commissioner cum Director of Agriculture,
Chepauk, Chennai.

3.The Joint Director of Agriculture,
Thiruvarur.

4.The Assistant Director of Agriculture,
Thiruthuraipoondi,
Thiruvaruru Dt.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner from the date of completion of 10 years of service i.e., 22.12.2005 with all monetary and service benefits on



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par with similarly placed in the light of the Government Orders in G.O.No.22 P&AR Department dated 28.02.2006 within a time frame.

For Petitioner : M/s.T. Aananthi

For Respondents : Mr.V. Manoharan,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this Writ Petition seeking for a direction to the respondents to regularize his service from the date of completion of 10 years of service i.e., 22.12.2005 with all monetary and service benefits on par with similarly placed in the light of the Government Orders in G.O.No.22 P&AR Department dated 28.02.2006. In this regard, he had given a representation to the second respondent on 14.12.2020.



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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 respondent 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. Since the representation given by the petitioner dates back to the year 2020, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall



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consider it on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni/Hvk



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To

- 1.The Secretary to Government of Tamil Nadu,
Agricultural Department,
Fort St. George,
Chennai.
- 2.The Commissioner cum Director of Agriculture,
Chepauk, Chennai.
- 3.The Joint Director of Agriculture,
Thiruvarur.
- 4.The Assistant Director of Agriculture,
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M.S.RAMESH,J.

Sni

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