



WEB COPY



W.P.No.18913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18913 of 2023

Mrs.S. Saraswathi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Social Welfare and
Nutritious Meal Programme (ICDS),
Fort St. George, Chennai – 600 009.

2.The District Collector,
Villupuram District.

3.The District Project Officer,
Integrated Child Development Services,
Villupuram District.

4.The Child Development Project Officer,
Vanur,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to pay subsistence allowance to the petitioner, every month along with the arrears from her date of suspension on 10.08.2022 until revocation, as per



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G.O.Ms.No.151/Social Welfare and Noon Meal Programme (SWDI)

Department-1/2003-1, dated 11.08.2003, within a stipulated time.

For Petitioner : Mr.R. Chakkaravarthy

For Respondents : Mr.P. Gurunathan,
Additional Government Pleader

ORDER

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

2. The petitioner has given representation to the second and third respondents on 21.01.2023, seeking to review and revoke the suspension order and permit her to resume her work. 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 respondents herein, to consider the petitioner's representation dated 21.01.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

28.06.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Secretary to Government of Tamil Nadu,
Department of Social Welfare and
Nutritious Meal Programme (ICDS),
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Villupuram District.
- 3.The District Project Officer,
Integrated Child Development Services,
Villupuram District.
- 4.The Child Development Project Officer,
Vanur,
Villupuram District.

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