



W.P.No.17077 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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G.Suresh

... Petitioner

Vs

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.

2.The Director,
Public Health and Preventive Medicine Department,
Anna Salai,
DMS complex,
Chennai – 600 006.

3.The Commissioner of Municipality,
Komarapalayam,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to regularise the petitioner's service from consolidate pay to time scale of pay by considering G.O. Ms. No.151 dated 16.10.2008 and G.O. Ms. No.299 dated 16.12.2016 and the petitioner representation dated 19.04.2023.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

Heard Mr.R.Marudhachalamurthy, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Government Advocate for the respondents.

2.The petitioner herein had given a representation to the respondents on 19.04.2023 for regularisation. 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 him 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



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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 observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 19.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.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 respondents 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
vga



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M.S.RAMESH,J.

vga

To

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