



W.P.No.16985 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.L.S.Murugan
- 2.B.Gopal
- 3.G.Prakash
- 4.A.Anbazhagan
- 5.A.Kaveriyappan
- 6.V.Thangavel
- 7.K.N.Gunasagar
- 8.K.Annamalai Selvam
- 9.M.Thirupathi
- 10.V.Govindaraju
- 11.D.K.Saravanan
- 12.M.Senthilkumar
- 13.L.Madhaiyan
- 14.P.Vajjiram
- 15.J.Saravanan
- 16.S.Saravanan
- 17.K.Manjukeswaran



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18.P.Balan

19.T.Selvakumar

20.R.Thirupathi

...Petitioners

Vs

1.The Secretary to the Government,
Department of Animal Husbandry
and Fisheries Development,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Milk Production and Dairy Development,
Madhavaram, Chennai - 600 051.

3.The General Manager,
Krishnagiri District Co-operative
Milk Producers' Union Ltd.,
Krishnagiri - 635 001.

4.The General Manager,
Dharmapuri District Co-operative
Milk Producers' Union Ltd.,
Krishnagiri Main Road,
Dharmapuri - 636 701.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to fix notional regularisation for the petitioners w.e.f. 01.05.1993 as per the decision of this Court in W.P.No.16392 of 1992 modified in



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W.M.P.No.1867 of 1997 in W.P.No.16392 of 1992 dated 11.03.1997 or from the actual date on which the petitioners have completed continuous 480 days in the preceding two years or alternatively, w.e.f. 11.03.2001 i.e. the cut-off date fixed for regularisation of the petitioners by the 1st respondent in G.O.(2D) No.121, dated 22.08.2008 and as per the Board Resolution of combined Krishnagiri and Dharmapuri District Cooperative Milk Producers' Union dated 06.01.2020, for calculating pension benefits to the petitioners herein in the light of G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009, considering the petitioners' representation dated 03.01.2023.

For Petitioners : Mr.S.Sathiaseelan

For Respondents : Mr.P.Baladhandayutham,
Special 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 petitioners herein had jointly given a representation to the respondents on 03.01.2023 requesting for fixation of notional date of regularisation. The said representation has not been considered till date and hence, the petitioners have preferred the present Writ Petition.



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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 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 invoking its extraordinary powers under Article 226 of the Constitution of the 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 03.01.2023, in the light of the Government Letter No.1781/ஹ.உ/2021-1, dated 18.02.2021, and pass appropriate orders within a period of three 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 made by the petitioner 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 disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order
hvk

To

- 1.The Secretary to the Government,
Department of Animal Husbandry
and Fisheries Development,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner,
Milk Production and Dairy Development,
Madhavaram, Chennai - 600 051.
- 3.The General Manager,
Krishnagiri District Co-operative
Milk Producers' Union Ltd.,
Krishnagiri - 635 001.



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M.S.RAMESH,J.

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