



W.P.No.17579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17579 of 2023

S.Sivasubramanian

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Secretary to
Government, Finance Department,
Fort St.George, Chennai-9.

2.The Commissioner,
Treasuries and Accounts
Department, Panagal Maligai,
Saidapet, Chennai-15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.12.2022 to regularize the petitioner's service on his completion of 10 years of service from the date of initial appointment on 16.11.1992 and consequently direct the respondents to pay pension and monetary benefits with all consequential benefits and arrears.

For Petitioner : Ms.Esairani Narasimman



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For Respondent-1 : Mr.P. Sanjay Gandhi,
Government Advocate

ORDER

In view of the limited nature of direction this Court proposes to issue, this Writ Petition is taken up for final disposal at the stage of admission itself without ordering notice to the second respondent.

2. The petitioner herein had given a representation to the respondents on 16.12.2022, seeking to regularize his services on completion of ten years of service from the date of initial appointment on 16.11.1992. Since the said representation has not yet been considered, the Writ Petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 Authorities 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 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 16.12.2022 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 respondents to consider the same on its own merits.

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

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RS/HVK

M.S.RAMESH,J.

RS/HVK

Index:Yes/No

Speaking order/Non-speaking order

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Neutral Citation: Yes/No

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