



W.P.No.17894 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17894 of 2023

1. M.Rajeswari
2. V.Sundarrajan
3. R.Ellappan
4. V.Thulasi Bai
5. A.Nandakumar

... Petitioners

Vs

1. The state of Tamilnadu,
Rep. by the Secretary,
Public Works Departments,
Fort St. George, Chennai – 9.
2. The Chief Engineer (General) and
Engineer in Chief W.R.O.
Chepauk, Chennai -5.
3. The Chief Engineer (Buildings),
Public Works Department,
Chepauk, Chennai -5.
4. The Assistant Executive Engineer, P.W.D.,
Adyar Sub-division,
Greenways Road,
Chennai – 28.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation, dated 10.01.2023 for regularizing our service as per the order passed in W.A.No.493/16, dated 25.04.2016 confirmed by the Hon'ble Apex Court and as per the Government Order in G.O.(2D) No.29, PWD Department, 09.02.2016 and in view of G.O.(3D) No.40, Public Works (C2) Department, dated 25.09.2018 with all monetary and service benefits.

For Petitioners : Ms.S.Esairani Narasimman

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 petitioners herein had given a representation to the respondents on 10.01.2023 for regularizing their service as per the order dated 25.04.2016 passed by this Court in W.A.No.493 of 2016. 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



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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 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 petitioners' representation dated 10.01.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 petitioners and that it is open to the respondents to consider the same on its own merits.



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M.S.RAMESH,J.

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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

To

1. The state of Tamilnadu,
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