



W.P.No.18643 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.18643 of 2023
& W.M.P.No.17883 of 2023

- 1.Dr.M.Chinnaduraipandian
- 2.Dr.S.K.Ramesh
- 3.Dr.K.Mariappa
- 4.Dr.B.Rajesh
- 5.Dr.J.Sudhakar
- 6.Dr.P.Muruali
- 7.Dr.K.Saravanan
- 8.Dr.N.Kumar
- 9.Dr.V.Sakthivel
- 10.Dr.M.Karthikeyaraja
- 11.Dr.M.Murugesan
- 12.Dr.M.Alamelu
- 13.Dr.K.Somasundaram
- 14.Dr.P.Mareeshwaran
- 15.Dr.R.Sivaprakasam
- 16.Dr.S.Karuppiah
- 17.Dr.B.Jose Chakkravarthy
- 18.Dr.T.Srinivasan
- 19.Dr.A.Senthilkumar
- 20.Dr.K.Muruganandhan
- 21.Dr.S. Chinnamariappan
- 22.Dr.R.Velayutham
- 23.Dr.R.Vijayakumar
- 24.Dr.S.Selvaraj
- 25.Dr.P.Balakumar
- 26.Dr.A.Senthilkumar
- 27.Dr.A.Premkumar



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28.Dr.R.Kumaresan
29.Dr.J. Lakshmanan
30.Dr.N.Kathiravan
31.Dr.P.Manikandan
32.Dr.S.Ravi

... Petitioners

Vs.

1.The Government of Tamilnadu,
Rep. by the Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai.

2.The Director,
Office of Animal Husbandry & Veterinary Services,
No.571, Anna Salai, Nandhanam,
Chennai.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the Respondents herein to consider the claim of the petitioners for allowing them to continue in the post of Veterinary Assistant Surgeon with pay protection alone till the date of their retirement on attaining the age of superannuation, without even retirement or pensionary benefits.

For Petitioners : Mr.J. Mohan
Senior Counsel for Mr.M.Ravi

For Respondents : Mr.S. Prabhakaran,
Government Advocate



ORDER

WEB COPY 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 have given representation dated 20.03.2023 to the respondents, requesting them to allow them to continue in the post of Veterinary Assistant Surgeon with pay protection alone, till the date of their retirement on attaining the age of superannuation, without even retirement or pensionary benefits. 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 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.



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WEB COPY 4. Since no acknowledgement has been produced before this Court for the representation given by the petitioners, it would be appropriate that the petitioners be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioners are granted liberty to give a fresh representation to the respondents herein, ventilating their grievances, along with the service particulars of all the individual petitioners and a copy of this order. On receipt of the same, the respondents shall consider it 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 the representation, in the light of the order passed by this Court in W.P(MD).No.11599 of 2023 dated 02.06.2023. 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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WEB COPY 6. With the above direction, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

28.06.2023

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Government of Tamilnadu,
Rep. by the Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai.
- 2.The Director,
Office of Animal Husbandry & Veterinary Services,
No.571, Anna Salai, Nandhanam,
Chennai.



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M.S.RAMESH,J.

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