



WEB COPY



W.P.No.18287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18287 of 2023

Dr.S.Jaya, Junior Resident/
Assistant Professor,
Government Medical College &
ESIC Hospital, Singhanallur,
Coimbatore-15.

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Fort St.George,
Chennai-9.
- 2.The Director of Medical Education,
Directorate of Medical Education,
EVR High Road, Kilpauk,
Chennai-10.
- 3.The Director of Medical Service,
Directorate of Medical and Rural
Health Services, DMS Complex,
361, Anna Salai, Chennai-6.
- 4.The Director of Public Health,
Directorate of Public Health &
Preventive Medicine, DMS Complex,
359, Anna Salai, Chennai-6.



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5.The Dean, Government Medical
College & ESI Hospital,
Singanallur, Coimbatore-15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to regularize all the leaves and to fix the Selection Grade Asst. Surgeon Scale of Pay on par with the petitioner's junior and Special Grade Asst. Surgeon Scale of Pay and consequently to pay the leave benefits with arrears from 01.1.2007 with interest by considering the petitioner's representation made dated on 20.05.2021 within time frame as fixed by this Court.

For Petitioner : Mr.I.Kanna Patel
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 stage of admission itself.

2. The petitioner herein had given a representation to the respondents on 20.05.2021 seeking to regularize all the leave and to fix the Selection Grade Assistant Surgeon Scale of Pay on par with the petitioner's junior and



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Special Grade Assistant Surgeon Scale of Pay and consequently to pay the leave benefits with arrears from 01.1.2007 with interest. 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 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 Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 20.05.2021 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. It is made clear that this Court has not expressed any of its



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views with regard to the merits of the claim of the petitioner and that it is open to the first respondent to consider the same on its own merits.

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

20.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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2. The Director of Medical Education,
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RS/HVK



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M.S.RAMESH,J.

RS/HVK

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