



W.P.No.19366 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19366 of 2023

M.Karthikeyan

...Petitioner

Vs

1.The Additional Chief Secretary to Government,
Labour & Employment Department,
Chennai – 600 009.

2.The Commissioner of Labour,
Chennai – 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to dispose of the petitioner's representation dated 10.03.2023 by considering the petitioner's request for transfer on the ground of his deteriorated health conditions as well as his son's education at Mayiladuthurai within a time frame.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 10.03.2023, seeking for transfer on medical grounds. The said representation has not been considered till date. Hence, the petitioner has approached this Court by way of this Writ Petition.

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.



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4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 10.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 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.

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

Note: Issue order copy on 17.07.2023



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M.S.RAMESH,J.

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To

- 1.The Additional Chief Secretary to Government,
Labour & Employment Department,
Chennai – 600 009.
- 2.The Commissioner of Labour,
Chennai – 600 009.

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