



W.P.No.29287 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29287 of 2022

Dr.M.S. Sampath Kumar

... Petitioner

Vs.

- 1.The Director,
Public Health and Preventive Medicine Department,
359, Anna Salai,
DMS Complex, Teynampet,
Chennai – 600 006.
- 2.The Commissioner,
The Food Safety and Drug Administration Department,
Chennai – 600 006.
- 3.The Deputy Director,
Health Service Department,
Salem District.
- 4.The Block Medical Officer,
Government Primary Health Centre,
Kannankurichi,
Salem District.
- 5.The Block Medical Officer,
Government Primary Health Centre,
Ariyapalayam,
Salem.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant the annual increment to the petitioner for the period of November 2009 to November 2022 (13 years) and other attendant benefits including payment of interest based on the petitioner's representation dated 13.09.2022 & 24.09.2022 within a reasonable time period that may be fixed by this Court.

For Petitioner : Mr.E. Sathiyaraj

For Respondents : Mr.P. Sanjay Gandhi,
Government Advocate [R1, R3 to R5]

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondents 1, 3 to 5.

2. The petitioner herein had given representations to the first and fourth respondents on 13.09.2022 and 24.09.2022, requesting to pay an annual increment from November 2009 to November 2022. Since the said representations were not considered, the present Writ Petition has been filed.



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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.

4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representations dated 13.09.2022 and 24.09.2022, on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands disposed of.

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No costs.

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Index:Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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