



WEB COPY



W.P.No.30266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30266 of 2023

R.Bharthi

...Petitioner

Vs

1.The Secretary to Government,
Department of Social Welfare
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Commissioner & Director of Social Welfare,
Department of Social Welfare,
Saidapet, Chennai-600 015.

3.The District Collector,
Perambalur District.

4.The District Social Welfare Officer,
District Social Welfare Office,
Cradle Baby Scheme,
Perambalur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take decision



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for regularisation of the service of the petitioner from the date of her appointment on 05.01.2012 and to grant continuity of service with all financial benefits till date pursuant to the G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 and by considering the issue pending with the 1st respondent as per the 2nd respondent communication dated 05.05.2021.

For Petitioner : Ms.Usha Ramman

For Respondents : Mr.V.Manoharan
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 petitioner herein had given a representation to the respondents on 11.07.2023 seeking for regularisation of her service from the date of her appointment on 05.01.2012 and to grant continuity of service with all financial benefits till date, pursuant to the G.O.Ms.No.22 Personnel and Administrative Reforms (F) Department dated 28.02.2006 and by considering the issue pending with the 1st respondent as per the 2nd



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respondent's communication dated 05.05.2021. 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 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.

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 11.07.2023, seeking for regularisation 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 views with regard to the merits of the claim made by the



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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



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M.S.RAMESH,J.

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