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W.P.No.28926 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28926 of 2023
and W.M.P.No.28518 of 2023

M. Natarajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai – 9.

2.The Director,
Public Health and Preventive Medicine,
Teynampet, Chennai – 6.

3.The Director,
Medical and Rural Health Services,
Teynampet, Chennai – 06.

4.The Assistant Director,
Health Services,
Collector Office Campus,
Dharmapuri.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent No.1 to dispose the proposal sent by the respondent No.2 dated 12.04.2018



W.P.No.28926 of 2023

and bring the petitioner's service under time scale of pay from the date of completion of five years of his service and regularize his service in the light of G.O.Ms.No.325 dated 20.11.2012 on the file of the respondent No.1 with all consequences benefits and consequently restraining the respondents from making any appointments on the basis of G.O.Ms.No.604 dated 05.06.2023 passed by the respondent No.1 till the regularization of the petitioner's service by considering the petitioner representation dated 05.09.2023 within the time stipulated by this Court.

For Petitioner : Mr.T. Thirumurugan

For Respondents : Mrs.V. Yamuna Devi,
Special 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 has given a representation to the respondents on 05.09.2023, seeking for disposal of the proposal dated 12.04.2018 and to bring his service under time scale and regularization. Since there was an urgency that the respondents were going to appoint 4288 persons in the light of G.O.Ms.No.604, the present Writ Petition has been filed.



W.P.No.28926 of 2023

WEB COPY

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 first respondent herein, to consider the petitioner's representation dated 05.09.2023, 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 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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W.P.No.28926 of 2023

M.S.RAMESH,J.

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

No costs. Connected miscellaneous petition is closed.

06.10.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

1.The Principal Secretary of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Chennai – 9.

2.The Director,
Public Health and Preventive Medicine,
Teynampet, Chennai – 6.

3.The Director,
Medical and Rural Health Services,
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W.P.No.28926 of 2023