



WEB COPY



W.P.No.28929 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.28929 of 2023  
and W.M.P.No.28522 of 2023

- 1.J.K. Susila
- 2.M. Periyasamy
- 3.G. Vijaya
- 4.G. Kalaivani
- 5.P. Indramoorthy
- 6.M. Krishnan
- 7.M. Veeran
- 8.R. Sasikumar

... Petitioners

***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.



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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 and bring the petitioners services under time scale of pay from the date of completion of five years of their service and regularize their 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 petitioners service within the time stipulated by this Court.

For Petitioners : 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 petitioners herein have given representations to the



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respondents on 08.09.2023, 13.09.2023 and 20.09.2023, seeking for disposal of the proposal dated 12.04.2018 and to bring their 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.

**3.** It is needless to point out that whenever representations 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 petitioners' representations dated 08.09.2023, 13.09.2023 and 20.09.2023, on its own merits and



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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 petitioners 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. Connected miscellaneous petition is closed.

**06.10.2023**

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

***Sni***



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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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**M.S.RAMESH,J.**

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