



WEB COPY



W.P.No.29294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29294 of 2023

M.Jaya Suriya

...Petitioner

Vs

1. The Director,
Indian Institute of Technology, Madras
Chennai-600 036.

2. The Welfare Officer,
Indian Institute of Technology, Madras
Chennai-600036.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the petitioner's letter dated 10.03.2023 for permanent employment on compassionate grounds within a stipulated time.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr.Menon
For R.1



W.P.No.29294 of 2023

ORDER

WEB COPY Heard Mr.R.Thiagarajan, learned counsel for the petitioner and Mr.Menon, learned counsel for the first respondent.

2. The petitioner was appointed on compassionate ground in the respondent Institution and even after working for thirteen years, the petitioner's service was not regularised. Hence, the petitioner has given a letter to the first respondent on 10.03.2023, seeking for a direction for permanent employment on compassionate ground. Since the said letter 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 the respondent 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.



W.P.No.29294 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's letter 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 of the petitioner and that it is open to the first respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

30.10.2023

Index: Yes/No
Speaking order/Non-speaking order
sr



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W.P.No.29294 of 2023

M.S.RAMESH,J.,

SR

To

1. The Director,
Indian Institute of Technology, Madras
Chennai-600 036.
2. The Welfare Officer,
Indian Institute of Technology, Madras
Chennai-600036.

W.P.No.29294 of 2023

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