



WEB COPY



W.P.No.29105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29105 of 2023

Dr.K.Karunakaran

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep by its Principal Secretary to Government,
Health and Family Welfare (B1 Department),
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director of Medical and Rural Health Services,
Office of the DMS,
DMS Complex, Teynampet,
Chennai-600 006.
3. The Joint Director of Health Services,
“E” Block, 3rd Floor,
Collectorate Complex,
Ranipet, Ranipet District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 21.08.2023 for taking into account of the period of extraordinary leave for the purpose of promotion, seniority, leave and increments in terms of Rule 21 of the Tamil Nadu Study Leave Rules and to



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regularise the service of the petitioner with effect from 18.03.2005 on its merits and in accordance with law.

For Petitioner : Mr.Balan Haridas
For Respondents : Mr.M.Bindran
AGP

ORDER

Heard Mr.Balan Haridas, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for the respondents. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given representation to the respondent on 21.08.2023, seeking for a direction to take into account the period of extraordinary leave for the purpose of promotion, seniority, leave and increments in terms of Rule 21 of the Tamil Nadu Study Leave Rules and to regularise the service of the petitioner with effect from 18.03.2005. 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 the respondent to



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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 representation dated 21.08.2023 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 of the petitioner and that it is open to the respondents 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
sr



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M.S.RAMESH,J.,

SR

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Health and Family Welfare (B1 Department),
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director of Medical and Rural Health Services,
Office of the DMS,
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