



W.P.No.30388 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.30388 of 2023

Dr.M.Kavitha

...Petitioner

Vs

- 1.The Principal Secretary to Government,
Health and Family Welfare Department,
St.George Fort, Secretariat,
Chennai – 600 009.
- 2.The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai – 600 010.
- 3.The Director,
Kalaingar Centenary Super Speciality Hospital,
Guindy, Chennai – 600 010.
- 4.The Special Secretary,
Finance Department,
St.George Fort, Secretariat,
Chennai – 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to implement the G.O.(Ms).No.293, Health and Family Welfare Department



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dated 18.06.2021 to enable the petitioner to get his monetary benefits as per the said G.O. every month from the date of issue of the G.O. by passing orders on the representation dated 04.09.2023.

For Petitioner : Mr.C.Balasundar
For R1 to R3 : Mrs.V.Yamunadevi
Special Government Pleader
For R4 : Mr.A.Selvendran
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 had given representation to the respondents on 04.09.2023, seeking to implement G.O.(Ms).No.293, Health and Family Welfare (A1) Department dated 18.06.2021 and sanction his allowance. Since the said representation was not considered, the present Writ Petition has been filed.



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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 on 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 India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 04.09.2023, pass appropriate orders in accordance with law, within a period of eight (8) 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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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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

Internet: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH,J.

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