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W.P.No.30369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.30369 of 2023**

Dr.N.Babu

...Petitioner

Vs

1. The Additional Chief Secretary to Government  
Animal Husbandry, Dairying, Fisheries and  
Fishermen Welfare Department  
Fort St.George  
Secretariat  
Chennai – 600 009

2. The Commissioner / Director  
Department of Dairy Development  
Madhavaram  
Chennai – 600 051

3. The Managing Director  
Tamil Nadu Cooperative Milk Producers Federation Limited  
(TCMPF)  
“Aavin Illam”  
No.2, Passumpon Mututramialinganar Salai  
Nandanam, Chennai – 600 035

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to implement the 2<sup>nd</sup> respondent



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proceedings in Rc.No.11085/N3/2022-1 dated 14.03.2023 for approved cadre strength of AGM (Veterinary) and AGM (Milk Production).

For Petitioner : Mr.A.Kumar  
For R1 & R2 : Mrs.V.Yamunadevi  
Special Government Pleader  
For R3 : Mr.V.Rajinikanth  
Standing Counsel

### **ORDER**

Heard Mr.A.Kumar, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader for the respondents 1 and 2 and Mr.V.Rajinikanth, learned Standing Counsel for the third respondent. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given a representation to the respondents on 15.10.2023 seeking for a direction to implement the 2<sup>nd</sup> respondent's Proceedings in Rc.No.11085/N3/2022-1 dated 14.03.2023 for approved cadre strength of AGM (Veterinary) and AGM (Milk Production). 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 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 to consider the representation of the petitioner dated 15.10.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 is disposed of. No



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**15.11.2023**

Index: Yes/No  
Speaking order/Non-speaking order  
Internet: Yes/No  
Neutral Citation: Yes/No

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To

1. The Additional Chief Secretary to Government  
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**M.S.RAMESH,J.**

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