



W.P.No.31158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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Dr.V.Shanmukam

...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, praying to issue a Writ of Mandamus to direct the respondents to implement the G.O. (Ms.) No.293, Health and Family Welfare Department, 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 05.09.2023.



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For Petitioner : Mr.C.Balasundar

For Respondents : Mr.M.Alagu Goutham
Govt. Advocate

ORDER

Heard Mr.C.Balasundar, learned counsel for the petitioner and Mr.M.Alagu Goutham, learned Government Advocate 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 a representation to the respondents on 05.09.2023 seeking for a direction to implement the G.O. (Ms.) No.293, Health and Family Welfare Department, 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. 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



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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 second respondents to consider the representation of the petitioner dated 05.09.2023 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 is disposed of. No costs.

01.11.2023

Index: Yes/No
Internet: Yes/No
sr

To

1. The Principal Secretary to Government,
Health and Family Welfare Department,
St. George Fort, Secretariat,
Chennai 600 009.

M.S.RAMESH,J.



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2. The Director of Medical Education,
The Directorate of Medical Education,
Kilpauk, Chennai 600 010.
3. The Director,
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