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W.P.No.30895 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30895 of 2023

Dr.M.Durai Pandiyan

...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 Co-operative Milk Producers
Federation Limited (TCMPF),
“Aavin Illam”, No.2, Passumpon Muthuramalinganar
Salai, Nandanam, Chennai 600 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to implement the 2nd respondent proceedings in Rc.No.11085/N3/2022-1 dated 14.03.2023 for approved cadre strength of AGM (Veterinary) and AGM (Milk Production).



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For Petitioner : Mr.A.Kumar

For Respondents : Mrs.V.Yamuna Devi
Spl.G.P. For R.1 and R.2
: Mr.V.Rajinikanth
Standing Counsel for R.3

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.N.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 2nd 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,



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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 costs.

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Index:Yes/No
Internet:Yes/No
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M.S.RAMESH,J.

SR

To

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.

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