



WEB COPY



W.P.No.31224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31224 of 2023

Dr.K.S.Vadivelu

...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 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 R1 & R2 : Mrs.V.Yamunadevi,
Special Government Pleader
For R3 : Mr.I.John Arockiadas,
Standing Counsel

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 prayer sought for in this Writ Petition is for a direction to implement the second respondent's proceedings dated 14.03.2023 for the approved cadre strength of AGM (Veterinary) and AGM (Milk Production). In this regard, the petitioner has given separate representations to the respondents on 15.10.2023. The said representations have not been considered till date.

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 them to consider the same on its own merits and pass appropriate orders in one



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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 first respondent herein to consider the petitioner's representation dated 15.10.2023, and pass appropriate orders in accordance with law, within a period of six (6) 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.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

31.10.2023

Index: Yes/No

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Issue Order Copy on 09.11.2023



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M.S.RAMESH,J.

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To

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Chennai – 600 009.
- 2.The Commissioner/Director,
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