



W.P.No.30881 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.30881 of 2023
and W.M.P.No.30539 of 2023

C. Selvaraju,
Food Safety Officer,
Thiruvottiyur Municipal Area,
(Code No.521)
Thiruvallore District.

... Petitioner

Vs.

1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner,
Food Safety and Drug Administration Department,
Anna Salai,
Chennai – 600 006.

3.The Designated Officer,
Food Safety and Drug Administration Department,
Thiruvallore District,
Thiruvallore.

... Respondents



W.P.No.30881 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to pass appropriate orders on the representation of the petitioner submitted on 31.03.2023 for sanction of full additional charge allowance for the period from 05.09.2018 to 26.07.2021 and from 28.03.2022 to 04.09.2023, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T. Ranganathan

For Respondents : Mr.P. Ganesan,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given several representations to the second and third respondents on 19.05.2021, 31.03.2023 and 01.09.2023, seeking for sanction of Additional Charge Allowance. Since the said representations have not been considered till date, the present Writ Petition has been filed.



W.P.No.30881 of 2023

WEB COPY

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 them 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 second respondent herein, to consider the petitioner's representation dated 31.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 concerned respondent to consider the same on its own merits.



W.P.No.30881 of 2023

M.S.RAMESH,J.

Sni

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

No costs. Connected miscellaneous petition is closed.

31.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Sni

To

- 1.The Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner,
Food Safety and Drug Administration Department,
Anna Salai, Chennai – 600 006.
- 3.The Designated Officer,
Food Safety and Drug Administration Department,
Thiruvallore District,
Thiruvallore.

W.P.No.30881 of 2023