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W.P.No.33734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33734 of 2023
and W.M.P.No.33578 of 2023

S.Rajendran

... Petitioner

-VS-

1. The Additional Chief Secretary,
Animal and Dairy Development Department,
Fort Saint George, Secretariat,
Chennai 600 009.

2. The Commissioner (Dairy Development),
Milk Production and Dairy Farming and
Development Department, Aavin House,
Chennai – 51.

3. The Deputy Registrar (Milk Fertility),
Vellore-114.

4. The Senior Research/Secretary,
Sholinghur Milk Development Co-operative
Society Ltd. (C1706), Sholinghur,
Ranipet District 631102.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to give promotion as per Resolution order dated 12.05.2014 and make the petitioner permanent post from cashier with effect from 21.05.2014 and the seniority list and other wages from the date of order of 3rd respondent expeditiously of service for purpose of



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granting benefits to the petitioner.

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For Petitioner : Mr.K.Venkatesan

For Respondents : Mr.M.Bindran
Addl. Govt. Pleader

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ORDER

Heard Mr.K.Venkatesan, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for the respondents and by consent of both sides, the main writ petition is taken up for final disposal.

2. The petitioner has made a representation on 12.07.2023 to the third respondent requesting to make him as a permanent employee as per resolution of the third respondent dated 12.05.2014 and approved on 21.05.2014 and consequently, to give monetary and other service benefits including seniority to the petitioner. Since the representation was not considered, the petitioner has filed the present writ petition.

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 respondents to consider the same on its own merits and pass appropriate orders in one way or



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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 herein to consider the representation of the petitioner dated 12.07.2023 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 stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
sra



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M.S.RAMESH,J.,

(sra)

To

1. The Additional Chief Secretary,
Animal and Dairy Development Department,
Fort Saint George, Secretariat, Chennai 600 009.
2. The Commissioner (Dairy Development),
Milk Production and Dairy Farming and
Development Department, Aavin House,
Chennai – 51.
3. The Deputy Registrar (Milk Fertility),
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