



WEB COPY



W.P.No.31939 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31939 of 2023

A.Gopalakrishnan

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. By the Secretary to Government
Finance Department
Fort St. George
Chennai – 9

2. The Commissioner of
Treasuries and Accounts Department
Panagal Maligai
Saidapet
Chennai – 15

3. The District Treasury Officer
District Treasury Officer
Vettunimadam
Nagercoil – 620 001

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 04.10.2023 to regularize the petitioner's service from the date of initial appointment on 10.07.2003 and consequently direct the respondents to pay monitory and service benefits with all consequential benefits and arrears.



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For Petitioner : Ms.Esairani Narasimman

For Respondents : Mr.A.Selvendran
Special Government Pleader

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 petitioner herein had given a representation to the respondents on 04.10.2023 to regularize the petitioner's service from the the date of initial appointment on 10.07.2023 and consequently pay the monetary and service benefits. 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 him 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



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invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 04.10.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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.

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

No costs.

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



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To

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M.S.RAMESH,J.

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