



WEB COPY



W.P.No.34586 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34586 of 2023

V.G.Prabhakaran

...Petitioner

Vs

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

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

3. The Designated Officer
Food Safety and Drug Administrative Department
Kamcheepuram District

...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 representation of petitioner dated 19.10.2023 and consequently direct the respondents to pay additional charge allowance for working as additional charge food safety officer to Thirukalukundram Taluk from 16.11.2001 to till date.



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For Petitioner : Mr.U.Jugal Kumar

For Respondents : Mr.VPR. Elamparathi
Additional Government Pleader

ORDER

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

2. Heard Mr.U.Jugal Kumar, the learned counsel for the petitioner and Mrs.V.Yamuna Devi, the learned Special Government Pleader appearing for the respondents.

3. The petitioner herein had given a representation dated 19.10.2023 to pay allowance for performing the additional duty as Food Safety Officer of Thirukalukundaram Taluk from 16.11.2021 onwards. Since the said representation was not considered, the present writ petition has been filed.

4. 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



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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 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 second respondent to consider the petitioner's representation dated 19.10.2023, 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 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.

20.12.2023

Index: Yes/No



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Speaking order/Non-speaking order
gpa

To

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M.S.RAMESH,J.

gpa

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