



WEB COPY



W.P.No.33739 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33739 of 2023

M.Shafiullah Khan

...Petitioner

Vs

1. The Government of Tamil Nadu
rep. By its Principal Health Secretary
Health Department
Fort St.George, Chennai – 9

2. The Director of Medical Education
Poonamallee High Road
Kilpauk, Chennai – 10

3. The Director
Institute of Social Obstetrics and Government
Kasthurba Gandhi Hospital for Women and Children
Chepauk, Triplicane Chennai - 5

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing 1st and 2nd respondents to forthwith upgrade the petitioner from the post of Junior Engineer (Steam Laundry) to that of Assistant Executive Engineer (Equipment & Maintenance) by considering the representations dated 23.12.2019,



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27.01.2021, 01.08.2022 and 20.09.2023 with all service and monetary benefits.

For Petitioner : Mr.N.Kulandaivelu

For Respondents : Mrs.V.Yamuna Devi
Spl. Govt. 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 had given several representations dated 23.12.2019, 27.01.2021, 01.08.2022 and 20.09.2023 seeking for upgradation of post from Junior Engineer (Steam Laundry) to the post of Assistant Executive Engineer (Equipment and Maintenance) with all service and monetary benefits. Since the said representations were not considered by the respondents, the present writ petition has been filed.

3. It is needless to point out that whenever a representations of this nature is made to a Statutory Authority, there is a duty cast upon him 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 representations 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 the respondents to consider the petitioner's representations dated 23.12.2019, 27.01.2021, 01.08.2022 and 20.09.2023, on their 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.



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

No costs.

01.12.2023

Index: Yes/No

Speaking order/Non-speaking order
gpa

To

1. The Principal Health Secretary
Health Department
Fort St.George, Chennai – 9
2. The Director of Medical Education
Poonamallee High Road
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M.S.RAMESH,J.

gpa

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