



W.P.No.34452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34452 of 2023

K.Muthusamy
S/o.Karuppanan

...Petitioner

Vs

1.The State of Tamil Nadu
represented by its
Secretary to Government,
Highways Department,
Chennai - 9.

2.The Director General,
Highways Department,
No.76, Sardar Vallabaipatel Road,
Guindy, Chennai - 25.

3.The Divisional Engineer,
Highways Department,
Erode District - 638 002.

4.The Assistant Divisional Engineer,
Highways Department,
Bhavani, Erode District - 638 301.

...Respondents



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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 05.06.2023 and appoint the petitioner as Gang Mazdoor in the fourth respondent office in the light of the G.O (Ms) No.86, Highways and Minor Ports (HM2) Department dated 27.07.2015.

For Petitioner : Mr.S.Packiaraj

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. Heard Mr.S.Packiaraj, learned counsel for the petitioner and Mr.P.Ganesan, learned Government Advocate, who accepts notice for respondents 1 to 3.

3. The petitioner herein had given a representation to the third respondent on 05.06.2023 to appoint the petitioner as Gang Mazdoor in the Office of the fourth respondent in the light of the G.O (Ms) No.86,



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Highways and Minor Ports (HM2) Department dated 27.07.2015.. Since the said representation was not considered by the third respondent, 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 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 third respondent herein to consider the petitioner's representation dated 05.06.2023, 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



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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

To

- 1.The Secretary to Government,
Highways Department,
Chennai - 9.
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Guindy, Chennai - 25.
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M.S.RAMESH,J.

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