



W.P.Nos.34689 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.34689 of 2023

D.Nagaraj

... Petitioner

Vs.

1.The Director,
Public Health and Preventive Medicine Department,
Teynampet,
Chennai – 600 006.

2.The Deputy Director,
The Health Service,
Udhagamandalam,
Nilgiris District.

3.The Block Medical Officer,
Community Health Center,
Nillakottai,
Gudalur Taluk,
Nilgiris District.

4.The Block Medical Officer,
The Government Primary Health Centre,
Nedugula Kothagiri,
Nilgiris District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the salary for the post of Junior Assistant to the petitioner as per the proceeding of the 1st respondent in R.No.102958/ E4/ S4/ 2016-10 dated 11.09.2017 and the proceeding of the 2nd respondent in R.No.1889/H1/2018 dated 23.07.2018 with effect from 25.09.2017 to till realization based on the petitioner's representation dated 26.07.2022, 25.01.2023, 10.04.2023, 24.04.2023, 21.09.2023 and 18.10.2023.

For Petitioner : Mr.E.Sathiyaraj

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. The petitioner herein has given several representations to the respondents, last of which on 18.10.2023, seeking the respondents to pay the salary for the post of Junior Assistant to the petitioner as per the proceeding of the 1st respondent in R.No.102958/ E4/ S4/ 2016-10 dated



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11.09.2017 and the proceeding of the 2nd respondent in R.No.1889/H1/2018 dated 23.07.2018 with effect from 25.09.2017 to till realization. Since the said representation has not been considered till date, 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 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 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 1st and 2nd respondents herein, to consider the petitioner's representation dated 18.10.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order. It is made clear that this Court



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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 concerned respondent to consider the same on its own merits.

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

No costs.

20.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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