



W.P.(MD).No.16226 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16226 of 2023

R.Shanmugavalli

... Petitioner

Vs.

1.The Secretary to Government,
Department of Social Welfare,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Commissioner and Director of Social Welfare,
Department of Social Welfare,
Chennai-600 005.

3.The Director,
Department of Social Welfare,
Old No.153, New No.300,
Purasawalkam High Road,
Kellys, Chennai-600 010.

4.The District Social Welfare Officer,
Collectorate Buildings,
Trichy-620 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to entrust the Petitioner with some other Office Assistant work in the Social Welfare Department on account of her health condition other than the work of



W.P.(MD).No.16226 of 2023

Cook, if not allow the petitioner to relieve her under voluntary retirement scheme, on the basis of the petitioner's representation dated 10.04.2023 within a time frame fixed by this Court.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to entrust the Petitioner with some other Office Assistant work in the Social Welfare Department on account of her health condition other than the work of Cook, if not allow the petitioner to relieve her under voluntary retirement scheme, on the basis of the petitioner's representation dated 10.04.2023 within a time frame fixed by this Court.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admissions itself.

3. The petitioner was appointed on a temporary basis through Employment Exchange as Assistant Cook on 23.11.1992 in the Government Orphanage Home. The 2nd respondent in his proceedings, dated 09.07.1997 had



W.P.(MD).No.16226 of 2023

regularised the Helpers who were appointed on temporary basis. Thereafter, in the year 2006, on the basis of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, all the Government departments were directed to regularize the service of the employees on the daily wage basis who have completed 10 years of service as on 01.01.2006. Thereafter, the petitioner's service was also regularized. She was serving as Helper from 1992 to 2016 at Social Welfare Department and thereafter, she was suddenly transferred to the 3rd respondent department without any intimation. Without granting any promotion, she was directed to work as a Helper cum Cook. Under such circumstances, she found it difficult to cope up with both the post and she has been suffering with diabetics, hypertension. As a result of which, her health got deteriorated day by day. In view of the same, she sought for voluntary retirement by her representation, dated 10.04.2023. However, the same was not considered.

4. Whenever a representation is made to a statutory authority, it is the duty of the statutory authority to consider the representation and non-consideration of representation in one way or other would amount to dereliction of duty. It is needless to say that the statutory authority has to pass an order on receipt of any representation. In view of the same, this Court is inclined to



W.P.(MD).No.16226 of 2023

allow this writ petition directing the respondents to consider the representation of the petitioner, dated 10.04.2023 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above said directions, this Writ Petition stands allowed. No costs.

05.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
gbg

To

- 1.The Secretary to Government,
Department of Social Welfare,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Commissioner and Director of Social Welfare,
Department of Social Welfare,
Chennai-600 005.
- 3.The Director,
Department of Social Welfare,
Old No.153, New No.300,
Purasawalkam High Road,
Kellys, Chennai-600 010.
- 4.The District Social Welfare Officer,
Collectorate Buildings,
Trichy-620 001.



WEB COPY



W.P.(MD).No.16226 of 2023

L.VICTORIA GOWRI, J.

gbg

W.P.(MD).No.16226 of 2023

05.07.2023