



W.P(MD)No.21610 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.21610 of 2023

Sarala

...Petitioner

Vs.

1.The Director,
Adi Diravidar and Tribal Welfare Department,
Ezhilagam,
Chepauk,
Chennai – 600005.

2.The District Adhi Diravidar and Tribal Welfare Officer,
O/o. the District Adhi Diravidar and Tribal Welfare Officer,
Collectorate,
Virudhunagar District.

...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 give monetary and service benefits to the petitioner for the period between 19.04.2018 and 31.03.2021, based on the petitioner's representation, dated 08.06.2023.



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For Petitioner : Mr.S. Krishnan

For respondents : Mr.P. Thambidurai

Government Advocate

ORDER

This Writ Petition has been filed for issuing a direction to the respondents to give monetary and service benefits to the petitioner for the period between 19.04.2018 and 31.03.2021, based on the petitioner's representation, dated 08.06.2023.

2. Heard the learned counsel appearing for the petitioner. Mr.P.Thambi Durai, learned Government Advocate takes notice for the respondents.

3. The petitioner is working as a Watchwoman in the Girls Adi Diravidar and Tribal Welfare Hostel, Sivakasi, Virudhunagar District. She was transferred from Girls Welfare Hostel, Sivakasi to Girls Welfare Hostel at Sattur by the order of the second respondent, dated 06.04.2018. The said transfer order was challenged by her in WP(MD).No.8585 of 2018 before this Court and this Court was pleased to pass an order of interim stay on



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19.04.2018. However, the said interim stay was not obeyed by the second respondent, as a result of which, the petitioner was not able to continue in work at Girl's Welfare Hostel, Sivakasi. In the meanwhile, this Court allowed the said Writ Petition on 06.04.2018, consequently, directing the second respondent to allow the petitioner to continue as watchwoman in Sivakasi Girl's Welfare Hostel. On receipt of the same, the second respondent allowed the petitioner to continue her job at Girls Welfare Hostel from 31.03.2021. However, the petitioner did not receive the monetary benefits for the period between 19.04.2018 and 31.03.2021. Hence, she made a representation seeking monetary service benefits for the period between 19.04.2018 to 31.03.2021. However, the same was not considered. Hence, the petitioner has come forward with the present Writ Petition.

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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this



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Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. It is made clear that without going into the merits of this case, the respondents are directed to consider the representation of the petitioner, dated 08.06.2023, and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said direction, this writ petition stands disposed of. There shall be no order as to costs.

05.09.2023

Index : Yes / No
Internet : Yes/ No
trp



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L.VICTORIA GOWRI, J.,

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