



W.P.(MD).No.224 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.224 of 2024

R.Rani

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Revenue Administration,
Ezhilagam, Chepuak,
Chennai – 600 005.
3. The District Collector,
Pudukkottai District,
Pudukkottai.
4. The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, respondents to pass orders on the petitioners representation dated 18.11.2023 and declare her probation on



W.P.(MD).No.224 of 2024

completion of two years of actual service i.e. with effect from 25.01.2018 and award attendant monetary and service benefits to the petitioner.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to pass orders on the petitioners representation dated 18.11.2023 and declare her probation on completion of two years of actual service i.e. with effect from 25.01.2018 and award attendant monetary and service benefits to the petitioner.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.



W.P.(MD).No.224 of 2024

WEB COPY

4.(i).The petitioner participated in Group II Services Examination conducted by the T.N.P.S.C and she was selected and appointed as Assistant. On 13.03.2012, she joined in the office of Tahsildar, Ponnamaravathi, Pudukottai District. While she was in service in the office of Divisional Excise Officer, Pudukottai, she availed maternity leave from 31.01.2014 to 29.07.2014. When she reported for duty after the leave period, she was not permitted to join duty citing a criminal case registered during the leave period. Hence, she filed a petition in W.P(MD)No.19335 of 2014 before this Court seeking to permit her to join duty, The same was disposed on 08.05.2017 by this Court by directing the respondents to permit the petitioner to join duty and also directed them to decide about the absence period. On 01.12.2017, she was permitted to join duty.

(ii).Subsequently, a charge memo was issued in respect of her absence period and the same was also closed by the fourth respondent vide order, dated 30.05.2018. However, she was not granted with annual increment and other service and monetary benefits. Though she made several representations and last of which, made by her on 18.11.2023, the same were not considered. Hence, this petition came to be filed.



W.P.(MD).No.224 of 2024

WEB COPY

5. 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 respondents 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.

6. Without going into the merits of this case, this Court hereby direct the respondents 1 to 3 to consider the representation of the petitioner, dated 18.11.2023 and pass appropriate orders in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

08.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



W.P.(MD).No.224 of 2024

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W.P.(MD).No.224 of 2024

L.VICTORIA GOWRI, J.

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ORDER IN
W.P.(MD).No.224 of 2024

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