



W.P.(MD).No.12388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

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1. B.Umadevi
2. P.Muthukumar
3. M.Ammukutty
4. P.Dhamodharan
5. M.Nagaraj
6. P.Lakshmanan
7. S.Vellammal
8. V.Saravanan
9. C.Pitchaimani
10. M.Selvam
11. P.Muthukannan
12. P.Raja
13. P.Palaniammal
14. R.Umapathi



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15. S.Krishnan

16. M.Maheswari

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep.By its Secretary to Government,
Backward Class, Most Backward Class
Minorities Welfare Department,
Secretariat, Chennai.
2. The Commissioner,
Most Backward and De-Notified Communities Welfare,
Chennai 600 005.
3. The Joint Director,
Kallar Reclamation,
Old Ramanathapuram Collectorate Campus,
Madurai, Madurai 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 regularize the service of the petitioners and declare probation on par with similarly placed persons in the light of order passed by the Backward Classes and Minorities Welfare officer, Cuddalore District by his proceedings in Say.Mu.No.Jo3/762602/2023-1, dated 21.03.2023 and consequently to revise the scale of pay Rs.4800-10000 Plus 1300 GP in the light of G.O.Ms.No.29 Backward Classes, Most Backward Classes and Minorities Welfare Department dated 05.03.2024 and by considering the Petitioners' representation, dated 30.03.2024 within the period that may be stipulated by this Court.



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For Petitioners : Mr. C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioners and Mr.M.Lingadurai, learned Special Government Pleader, for the respondents.

2.The petitioners have filed this Writ Petition for a direction to the Respondents to regularize the service of the petitioners and to declare probation on par with similarly placed persons in the light of order passed by the Backward Classes and Minorities Welfare officer, Cuddalore District by his proceedings in Say.Mu.No.Jo3/762602/2023-1, dated 21.03.2023 and consequently to revise the scale of pay Rs.4800-10000 Plus 1300 GP in the light of G.O.Ms.No.29 Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 05.03.2024 and by considering the Petitioners' representation, dated 30.03.2024.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioners are working as Sanitary Workers/Sweeper in the Schools/Hostels coming under the Kallar Reclamation. They have completed 10 years of continuous service. However, they were not regularised and their probation was not declared so far. The similarly placed persons like that of the petitioners were regularized and declared with probation as per the order passed by the Backward Classes and Minorities Welfare officer, Cuddalore District by his proceedings in Say.Mu.No.Jo3/762602/2023-1, dated 21.03.2023. They were also brought under regular time scale of pay of Rs.4800-10000 Plus 1300 GP in the light of G.O.Ms.No.29 Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 05.03.2024. However, the said benefits were not extended to the petitioners. Therefore, they made representations to the respondents on various dates including the last representation, dated 30.03.2024. The same were not considered by the respondents. Hence, the present writ petition has been filed.



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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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the Petitioners' representation, dated 30.03.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioners and it is open to the respondents to consider the same on its own merits.



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7. With the above direction, this writ petition is disposed of. No

costs.

12.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Secretary to Government, State of Tamil Nadu,,
Backward Class, Most Backward Class
Minorities Welfare Department,
Secretariat, Chennai.
2. The Commissioner,
Most Backward and De-Notified Communities Welfare,
Chennai 600 005.
3. The Joint Director,
Kallar Reclamation,
Old Ramanathapuram Collectorate Campus,
Madurai, Madurai District.



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R.N.MANJULA, J.

PNM

ORDER IN
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