



W.P.(MD)No.17400 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17400 of 2025

B.Shajahan

: Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Public Works Department (PWD),
Fort St. George,
Secretariat,
Chennai - 600 009.

2. The Engineer in Chief (PWD),
And Chief Engineer (General), Public
Works Department (PWD),
Kamarajar Salai,
Chepauk,
Chennai - 600 005.

3. The Chief Engineer (Building,
- Construction and Maintenance),
Public Works Department (PWD),
Madurai Region,
Madurai.

4. The Superintendent Engineer,
(Building - Construction and
Maintenance),
Public Works Department (PWD),
Madurai Circle,
Madurai.



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5. The Executive Engineer
(Building - Construction and Maintenance),
Public Works Department (PWD),
Dindigul Division, Dindigul.

6. The Assistant Executive Engineer
(Building - Construction and
Maintenance),
Public Works Department
(PWD), Dindigul Sub-Division,
Dindigul.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing respondents to grant the pay fixation and seniority with effect from 30.06.2008 on completion of 10 years of service and to pay the actual monetary benefits with effect from the date of issue of G.O. Ms. No.334 Public Works (C2) Department dated 19.10.2007.

For Petitioner : Mr. V.Kannan

For Respondents : Mr.S.R.A.Ramachandran

Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to grant pay fixation and seniority with effect from 30.06.2008, upon completion of 10 years of service and to release the actual monetary benefits with effect from the date of issuance of G.O. Ms. No. 334, Public Works (C2) Department, dated 19.10.2007.



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2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner asserts that he was employed as a Mazdoor on daily wages in the fifth respondent's Department on 01.07.1998 and completed ten years of service on 30.06.2008. Subsequently, he submitted an application on 09.09.2016 seeking regularization of his services. Pursuant to this, the sixth respondent forwarded a proposal to the second respondent, recommending the regularization of the petitioner's services. In support of his claim, the petitioner also submitted a representation dated 04.02.2025 to the respondents. However, since no action was taken on the said representation, the petitioner has now filed the present Writ Petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame.



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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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 04.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, as expeditiously as possible. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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