



W.P.(MD).No.17963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17963 of 2023

A.Susila

... Petitioner

Vs.

The Chief Engineer/Personnel (FAC),
Administrative Branch,
NPKRR Maligai,
144, Anna Salai,
Chennai-2.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to give notional promotion to the petitioner as Assistant Account Officer from the post of Account Supervisor based on the representations dated 18.08.2014, 19.10.2022 and 24.12.2022 preferred by the petitioner in the light of more proceedings No. 029113/266/G.30/G301/2013-10 dated 01.08.2022 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.Viralinathan

For Respondent : M/s.M.Parameswari
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondent to give notional promotion to the petitioner as Assistant Account Officer from the post of Account Supervisor based on the representations dated 18.08.2014, 19.10.2022 and 24.12.2022 preferred by the petitioner in the light of more proceedings No. 029113/266/G.30/G301/2013-10 dated 01.08.2022 within a time frame that may be stipulated by this Court.

2. The petitioner was appointed as Typist at Revenue Branch, Periyakulam on 28.09.1973. Thereafter, he was promoted as an Assistant on 30.12.1980 and a Account Supervisor on 07.01.2002 respectively. The respondent prepared a seniority list for promotion to the post of Assistant Account Officer and in the said list, the petitioner's name was found as Seniority No.6600. The petitioner retired from service on 31.01.2010. The respondent issued an order in B.P.No.59, dated 04.05.2013 for promoting Account Supervisor who completed B.Com degree under Open University. Accordingly, the respondent restored the seniority of Account Supervisor who were denied with promotion due to B.Com degree under Open University vide proceedings, dated 12.02.2014. On the basis of the said board proceedings,



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many of the petitioner's juniors were promoted. Hence, the petitioner made a representation, dated 18.08.2014 requesting the respondents to give notional promotion to the post of Assistant Account Officer in the light of the said board proceedings bearing B.P.No.59, dated 04.05.2013. However, the respondents did not consider the same. Finally, on 19.10.2022 and 24.12.2022, the petitioner gave similar representations and lastly on 02.02.2023. That was also of no avail.

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

4. Without going into the merits of the case, this Court directs the respondent to consider the representations made by the petitioner, dated



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18.08.2014, 19.10.2022 and 24.12.2022 and pass necessary orders in accordance with the board proceedings. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. In view of the above, this Writ Petition stands disposed of. No costs.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

The Chief Engineer/Personnel (FAC),
Administrative Branch,
NPKRR Maligai,
144, Anna Salai,
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L.VICTORIA GOWRI, J.

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