

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2017

Coram

The Hon'ble Mr.Justice S.M.Subramaniam

Writ Petition No.7343 of 2004

M.T.Ravikumar

...Petitioner

Vs.

The Chairman
Chennai port trust
Rajaji Salai
Chennai

...Respondent

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus in the nature of writ directing the respondent herein to consider and dispose the representations submitted by the petitioner on 21.1.2002, 22.7.2002 and on 1.8.2003.

For Petitioner : Mr.C.Shankar

For Respondent : Mr.R.Karthikeyan

O R D E R

The petitioner has filed this Writ Petition, seeking for issuance of a writ of mandamus, to direct the respondent to consider and dispose of his representations dated 21.1.2002, 22.7.2002 and 1.8.2003.

2. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

3. The petitioner was initially appointed in the cadre of Supervisor Grade II (Civil) on 25.09.1990 on temporary basis in the Madras Dock Labour Board. Thereafter, his service got regularized, and he was promoted as Supervisor Grade I on ad hoc basis with effect from 03.10.1997, and in the said promoted post was also regularized. The petitioner, after having completed B.E. (Civil) made a representation to the respondent, seeking appointment to the post of Assistant Engineer. Despite repeated representations were made in this regard, the respondent has not considered the same. Hence, this Writ Petition.

4. On perusal of the representation made by the petitioner on 01.08.2003, it appears that the petitioner was given to understand that there is a vacancy available to the post of Assistant Engineer, and based on the same, he made a request to the respondent to appoint him to the said post, but, nowhere in the representation, the petitioner has stated that there existed a vacancy to the said post during the relevant point of time, when the application was made. Further, the representation is vague and not clear with regard to the rights of the petitioner to claim the post of Assistant Engineer. When the rights of the petitioner are not established in clear terms, this Court cannot issue mandamus to the respondent to consider the case of the petitioner. This apart, atleast a semblance of right is a requirement for consideration of any representation by the Competent Authorities. Such being the principle, this Court is not inclined to grant the prayer sought for by the petitioner. Accordingly, the Writ Petition is dismissed as being devoid of merits. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sd

To

The Chairman
Chennai port trust
Rajaji Salai
Chennai.

+1cc to Mr.R.Karthikeyan, Advocate Sr.19642

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srg 13/07/2017