

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2018

Coram

The Hon'ble Mr.Justice SATRUGHANA PUJAHARI

W.P.No.29176 of 2017

R.Kaveri

...Petitioner

Vs.

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5

2. The District Collector,
District Collector's Office,
Thiruvannamalai

3. The District Revenue Officer,
Thiruvannamalai District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to dispose of the representation of the petitioner dated 30.03.2017.

For Petitioner : Mr.G.Bharadwaj
For Respondents : Mr.S.Suresh Kumar,
Government Advocate

सत्यमेव जयते
O R D E R

The grievance of the petitioner in this writ petition is non disposal of her representation dated 30.03.2017 made to the first respondent to ante date her promotion as Assistant from the day she became eligible, even though in this regard the second respondent has made recommendation for consideration of the aforesaid grievance of the petitioner to the first respondent. According to the petitioner being duly recruited by Tamil Nadu Public Service Commission, she joined in service as Steno Typist Gr-III in July 2009 in Villupuram District, but later she came on transfer to Tiruvannamalai District and posted in the Collectorate. Her service has already been regularised

on 30.06.2011 and as such she was eligible for promotion to the post of Assistant on the date she completed five years, that is 01.07.2014 as Steno Typist Gr-III. However her case for promotion was not considered on that day but she was promoted on 28.05.2015. Hence, the petitioner in this regard, has ventilated her grievance by filing a representation before the first respondent who is competent to revise the seniority list, taking note of Rule 35 (b) of Tamil Nadu State and Subordinate Service Rules in the manner, prescribed in Rule 35 (f) of the said Rules and ante date her promotion as Assistant on the day she became eligible. However, her such representation dated 30.03.2017 has evoked no response in spite of recommendation of the second respondent for consideration of the same. Hence, the petitioner has filed the writ petition to issue a writ of mandamus directing the first respondent to consider her representation and pass such further order as this Court may deem fit and proper to render justice.

2. In spite of several opportunities given, no reply affidavit has been filed by the respondents State. However, counsel for the respondents sought for another adjournment to file reply affidavit but I am not inclined to adjourn the case further for seeking reply affidavit considering the nature of relief sought for inasmuch as disposal of the writ petition with the relief sought for in the absence of reply affidavit is going to cause no prejudice to the respondents in any manner.

3. The learned counsel for the petitioner submits that since her representation has not been disposed of in spite of the same is filed on 30.03.2017 and the recommendation of the second respondent, hence her prayer be allowed.

4. Learned Government Advocate appearing for the respondents submits that if such representation is pending, the first respondent shall consider the same in accordance with law within a reasonable period but this Court should not put any fetter on merit of such representation inasmuch as this Court has not heard on merit of such representation in any manner.

5. Considered the submissions made by the parties especially the nature of relief sought for.

6. On consideration of the same, this Court disposes of this writ petition with the direction to the first respondent to take an informed and considered decision on the representation of the petitioner stated to have been made on 30.03.2017 addressing the recommendation of the second respondent in this regard if any, as well as the law, within a period of six weeks from the date of receipt of a copy of this Order, if there is no other legal impediment and communicate such decision to the

petitioner immediately thereafter. However, it is made clear that this Court has expressed no opinion on merit of such representation in any manner.

7. With the aforesaid order, the writ petition stands disposed of. However, in the circumstances there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary /
Commissioner of Revenue Administration,
Chepauk,
Chennai - 5
2. The District Collector,
District Collector's Office,
Thiruvannamalai
3. The District Revenue Officer,
Thiruvannamalai District

+1cc to Mr.Vijayakumar, Advocate, S.R.No.54217

+1cc to the Government Pleader, S.R.No.54739

W.P.No.29176 of 2017

VD(CO)
GSP(05/09/2018)

सत्यमेव जयते

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