



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.7438 of 2019

WEB COPY

M.Padmavathy

... Petitioner

/vs./

1.The Secretary to Government,
Agriculture (AA1) Department,
Fort St.George, Chennai-9.

2.The Director of Horticulture,
and Plantation Crops,
Chepauk, Chennai-5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to promote the petitioner to the post of Deputy Director of Horticulture on the basis of the representation given by the petitioner dated 05.02.2019.

For Petitioner
For R-1 & R-2

: Mr.G.Thiruvarutselven
: Mr.R.Sethuraman
Special Government Pleader

ORDER

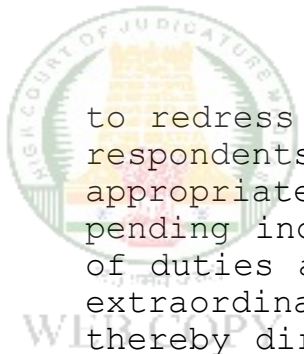
This writ petition has been filed to direct the respondents to promote the petitioner to the post of Deputy Director of Horticulture on the basis of the representation given by the petitioner, dated 05.02.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. Though the petitioner has sought for aforesaid prayer, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

4. The petitioner would submit that she has already made representation on 05.02.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

5. Whenever a representation is made to a statutory authority



to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

6. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 05.02.2019, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the second respondent to consider it in accordance with law.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To:

1.The Secretary to Government,
Agriculture (AA1) Department,
Fort St.George, Chennai-9.

2.The Director of Horticulture,
and Plantation Crops,
Chepauk, Chennai-5.

+1 CC to M/s.THIRUVARUTSELVAN, Advocate (SR-104823[F] dated 13/12/2019)

+1 CC to M/s.SPL.GP (SR-104991[F] dated 13/12/2019)

Order made in
W.P.(MD)No.7438 of 2019
12.12.2019

__KK/SAR/06.01.2020/2P-5C/