



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2019**

CORAM:

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

W.P. (MD)No.24277 of 2019

G.Dhanabalan

... Petitioner

/vs./

- 1.The Secretary to Government,
Highways & Minor Ports Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
- 2.The Director General,
Highways Department,
Guindy, Chennai 600 025.
- 3.The Chief Engineer,
Highways Department,
Guindy, Chennai 600 025.
- 4.The Superintending Engineer,
Highways Construction & Maintenance,
K.Pudur, Madurai.
- 5.The Divisional Engineer,
Highways Construction & Maintenance,
K.Pudur, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 herein to consider the petitioner's representation dated 04.10.2019 and promote him to the existing vacancy to the post of Superintendent in accordance with law within a stipulated time fixed by this Hon'ble Court.

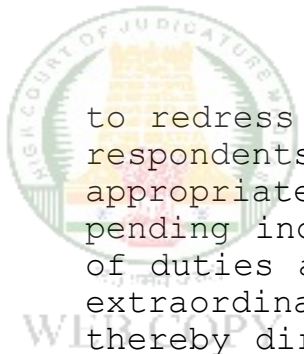
For Petitioner : Mr.P.Mahendran
For Respondents : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader.

ORDER

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

2. The limited prayer sought for by the petitioner is that to consider his representation dated 04.10.2019 seeking promotion to existing vacancy to the post of Superintendent.

3. 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 merit 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.

4. In view of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 04.10.2019 on its own merits and pass appropriate orders within a period of eight (8) 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 his representation and it is for the respondents 1 and 2 to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

- 1.The Secretary to Government,
Highways & Minor Ports Department,
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.
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Highways Construction & Maintenance,
K.Pudur, Madurai.
- 5.The Divisional Engineer,
Highways Construction & Maintenance,
K.Pudur, Madurai.

1 CC to M/s.SPL GP (SR-105093[F] dated 16/12/2019)
+1 CC to M/s.M/S.P.MAHENDRAN, Advocate (SR-105228[F]
SMA/02/01/2020/2P/8C

W.P. (MD)No.24277 of 2019
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