



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2019**

CORAM:

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

W.P. (MD) No.26382 of 2019

M.Rajaram

... Petitioner

/vs./

1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

2.The District Adi Dravidar Welfare Officer,
Collector's Office Complex,
Tiruchirapalli-620 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the first respondent i.e., the Secretary to Government, Additional Director Adi Dravidar and Tribal Welfare Department, Chennai to consider the petitioner's initial representation while he was in service i.e., on 02.01.2007 and the last representation dated 06.11.2019 based on the mistaken proceedings No.R.C.E4/3613/08 dated 25.07.2008 giving promotion to the petitioner's junior Thiru A.Manoharan and pass appropriate orders within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.R.Sethuraman,
Special Government Pleader

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The limited prayer sought for the petitioner is that to consider the representation dated 06.11.2019 seeking for providing notional promotion on par with his junior Thiru A.Manoharan and to revise the pensionary benefits.

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 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.

4. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 06.11.2019, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

cp

To:

1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

2.The District Adi Dravidar Welfare Officer,
Collector's Office Complex,
Tiruchirapalli-620 001.

+1 CC to MR.S.VISVALINGAM, Advocate (SR-104631[F] dated 12/12/2019)

+1 CC to SPL.GP (SR-104981[F] dated 13/12/2019)

Order made in
W.P.(MD)No.26382 of 2019

Dated:
12.12.2019

KM/ (03.01.2020) 2P 5C