



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2019**

CORAM:

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

W.P. (MD) No.26821 of 2019

R.Banumathi

... Petitioner

Vs.

1.The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk, Chennai.

2.The Adi Dravidar and Tribal Welfare Officer,
Dindigul District, Dindigul.

3.The Superintendent,
Adi Dravidar and Tribal Welfare,
Dindigul District, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to promote the petitioner to the post of B.T.Assistant (English) with due seniority and confer all the consequential benefits in the light of the recommendation of the second respondent passed in his proceedings Na.Ka.No.37494/2015/H6, dated 10.04.2016 by considering the petitioner's representation dated 25.09.2018.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.R.Sethuraman,

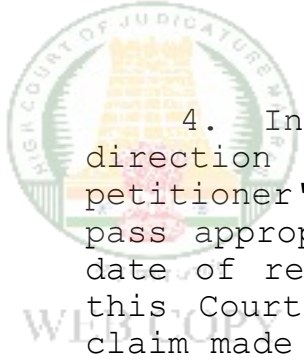
Special Government Pleader.

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 25.09.2018 seeking to promote the petitioner to the post of B.T.Assistant (English) with due seniority and confer all the consequential benefits in the light of the recommendation of the second respondent passed in his proceedings Na.Ka.No.37494/2015/H6, dated 10.04.2016.

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 first respondent herein to consider the petitioner's representations dated 25.09.2018 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 respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk, Chennai.
- 2.The Adi Dravidar and Tribal Welfare Officer,
Dindigul District, Dindigul.
- 3.The Superintendent,
Adi Dravidar and Tribal Welfare,
Dindigul District, Dindigul.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-105340[F] dated 17/12/2019
+1 CC to M/s.SPL.GP (SR-105990[F] dated 19/12/2019)

SMA/08/01/2020/2P/6C

W.P. (MD) No.26821 of 2019
17.12.2019