



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26965 of 2019

Shanmugavel

... Petitioner

/vs./

1.The Government of Tamilnadu,
represented by its Secretary,
Higher Education Department,
Fort St.George, Secretariat,
Chennai 600 009.

2.The Commissioner,
Department of Technical Education,
Guindy,
Chennai 25.

3.The Principal,
Government Engineering College,
Tirunelveli 7,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to give notional promotion to the petitioner to the post of Junior Draughting Officer with effect from the date when it was due and consequently to pay the amount due to him and to revise his retirement and pensionary benefits.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.C.M.Marichelliah Prabhu

Additional Government Pleader

ORDER

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

2.Though the petitioner has sought for issuance of writ of mandamus to the respondents to consider the petitioner for giving notional promotion to the post of Junior Draughting Officer and to revise his retirement and pensionary benefits, 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.

3.The petitioner would submit that he has already made representation on 26.08.2019 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.



4. 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.

5. In view of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation, dated 26.08.2019, on its own merits and pass appropriate orders within a period of eight 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 second respondent to consider it in accordance with law.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Secretary,
Government of Tamilnadu,
The Higher Education Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The Commissioner,
Department of Technical Education,
Guindy, Chennai 25.
3. The Principal,
Government Engineering College,
Tirunelveli 7, Tirunelveli District.

+1 CC to M/s.V.KANNAN, Advocate (SR-105659[F] dated 18/12/2019)
+1 CC to M/s.SPL.GP (SR-106155[F] dated 20/12/2019)
SMA/08/01/2020/2P/6C

W.P. (MD) No.26965 of 2019
18.12.2019