



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM:

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

W.P.(MD) No.1496 of 2020

and

W.M.P. (MD) Nos.1208 of 2020

WEB COPY

1.A.Alagar Raja

2.S.Murugan

3.K.Saravanan

4.D.Mapath Manohar

... Petitioners

/vs./

1.The State of Tamil Nadu,
rep., by the Secretary to Government,
Animal Husbandry, Dairying & Fisheries Department,
Secretariat, Chennai 600 009.

2.The Secretary to Government (Personnel & Admn Reforms)
Secretariat,
Fort St.George, Chennai 600 009.

3.The Secretary to Government,
(Finance Department)
Secretariat,
Fort St.George, Chennai 600 009.

4.The Commissioner (Previously the Director)
Milk Production & Dairy Development Department,
Chennai 600 035.

5.The Chairman,
Tamil Nadu Public Service Commission,
Office of the Tamil Nadu Public Service Commission,
Chennai.

6.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to promote the petitioners to the post of Cooperative Sub Registrar (Dairying) and Deputy Registrar (Dairying) on the basis



of their direct recruitment and promotion from the post of Senior Inspector by considering the representation given by the petitioner dated 21.12.2019.

For Petitioner : Mr.T.Arul
For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader
(for R1 to R3)
Mr.D.Sivaraman (for R5 & R6)
Mr.E.Mareeskumar (for R4)

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ORDER

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

2. Though the petitioners have sought for issuance of writ of mandamus to direct the respondents herein to promote the petitioners to the post of Cooperative Sub Registrar (Dairying) and Deputy Registrar (Dairying) on the basis of their direct recruitment and promotion from the post of Senior Inspector, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made representation on 21.12.2019 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 respondents herein to consider the petitioners' representation, dated 21.12.2019, 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 petitioners in their representation and it is for the respondents to consider it in accordance with law.



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

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

To:

- 1.The Secretary to Government,
State of Tamil Nadu,
Animal Husbandry, Dairying & Fisheries Department,
Secretariat, Chennai 600 009.
- 2.The Secretary to Government (Personnel & Admn Reforms)
Secretariat, Fort St.George, Chennai 600 009.
- 3.The Secretary to Government,
(Finance Department)
Secretariat, Fort St.George, Chennai 600 009.
- 4.The Commissioner (Previously the Director)
Milk Production & Dairy Development Department,
Chennai 600 035.
- 5.The Chairman,
Tamil Nadu Public Service Commission,
Office of the Tamil Nadu Public Service Commission,
Chennai.
- 6.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

- +1 CC to SPL.GP (SR-3646[F] dated 29/01/2020)
+1 CC to Mr.E.MAREESHKUMAR, Advocate (SR-3218[F] dated 27/01/2020)
+1 CC to Mr.A.R.KANNAPPAN, Advocate (SR-3221[F] dated 27/01/2020)
+1 CC to Mr.D.SIVARAMAN, Advocate (SR-3447[F] dated 28/01/2020)

Order made in
W.P. (MD) No.1496 of 2020
27.1.2020

VB(10.02.2020) 3P 11C