



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2020**

CORAM:

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

W.P. (MD) No.1494 of 2020

and

W.M.P. (MD) No.1206 of 2020

WEB COPY

G.Muthaiah

... Petitioner

/vs./

1.The Commissioner,
Most Backward Classes and Denotified
Community Welfare,
Ezilagam, Chepauk,
Chennai-600 005.

2.The Joint Director,
Kallar Reclamation,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent/ The Commissioner of Backward Classes and Most Backward Classes Welfare Department, Chepauk, Chennai-600 005 to appoint the petitioner as "Junior Assistant" by giving promotion, through transfer of service forthwith in Kallar Reclamation group service, on the basis of the G.O.No.40, dated 27.06.2011 issued by the Backward Classes, Most Backward Classes and Minority Welfare Department, Chennai.

For Petitioner

: Mr.S.Vijaykumar

For R-1 & R-2

: Mr.M.Karuppasamy

Government Advocate

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 direct the first respondent to consider the petitioner for approval of appointment as Junior Assistant by giving promotion through transfer of service forthwith in Kallar Reclamation Group Service on the basis of the G.O.No.40, dated 27.06.2011 issued by the Backward Classes, Most Backward Classes and Minority Welfare Department, Chennai, 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 01.06.2019 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 petitioner's representation, dated 01.06.2019, 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 petitioner in his 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.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To:

1. The Commissioner,
Most Backward Classes and Denotified
Community Welfare,
Ezilagam, Chepauk,
Chennai-600 005.

2. The Joint Director,
Kallar Reclamation,
Madurai-625 020.

+1 CC to M/s.S.VIJAYAKUMAR, Advocate (SR-4062[F] dated 31/01/2020)
+1 CC to M/s.SPL.GP (SR-4416[F] dated 03/02/2020)

W.P. (MD) No.1494 of 2020

KK/SAR/13.02.2020/2P-5AC/

<https://hcservices.ecourts.gov.in/hcservices/>