



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.02.2020**

CORAM:

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

W.P. (MD) No.2044 of 2020

1.N.Velu
2.V.Mounbatten
3.N.S.Kannan
4.M.Arumugam @ Selvakumar
5.M.Subbiah
6.R.Muneeswaran

... Petitioners

/vs./

1.The Government of Tamilnadu,
represented by its Secretary,
P&AR Department,
Fort St.George,
Chennai -9.

2.The Tamilnadu Public Service Commission,
represented by its Secretary,
3, Frezar Bridge Road,
Chennai -3.

3.The Commissioner for Revenue Administration,
Chepauk,
Chennai - 5.

4.The District Collector,
Madurai District.

5.The District Revenue Officer,
Madurai 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 re-fixation of seniority list of Revenue Assistants based on the marks/ranks scored by the petitioners in the CSSE-1 Examinations, 2009-2011 conducted by the Tamilnadu Public Service Commission and promote the petitioners to the post of Deputy Tahsildar based on their respective mark/rank in the light of the judgments rendered by this Court in N.Santhosh Kumar and others Vs. Tamilnadu Public Service Commission and others dated 31.03.2015 reported in (2015) 4 MLJ 281 and in W.P.No. 998 of 2017, K.Raja and others Vs The

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Additional Chief Secretary and Others dated 15.11.2019 and on the basis of the petitioners' representation dated 12.12.2019.

For Petitioners : Mr.R.Rajaraman

For R1, R3 to R5 : Mr.R.Sethuraman
Special Government Pleader

For R2 : Mr.K.K.Senthil
Standing Counsel

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 the respondents for re-fixation of seniority list of Revenue Assistants based on the marks/ranks scored by the petitioners in the CSSE-1 Examinations, and promote the petitioners to the post of Deputy Tahsildar based on their respective mark/rank, 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 had already submitted the representations on 16.12.2019, 12.12.2019, 19.12.2019 and 28.12.2019 in this regard, which is said to be pending. If the said representations are 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 first respondent herein to consider the petitioners' representation, dated 16.12.2019, 12.12.2019, 19.12.2019 and 28.12.2019, on its own merits and pass appropriate orders within a period of three months 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 first respondent to consider it in accordance with law.



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

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// True Copy //

Sd/-

Assistant Registrar (CO)

/ /2020

Sub Assistant Registrar(CS)

mm

To

1.The Secretary to Government of Tamil Nadu,
P & AR Department,
Fort St.George, Chennai -9.

2.The Secretary,
Tamilnadu Public Service Commission,
3, Frezar Bridge Road,
Chennai -3.

3.The Commissioner for Revenue Administration,
Chepauk, Chennai - 5.

4.The District Collector,
Madurai District.

5.The District Revenue Officer,
Madurai District.

+6 CC to M/s.R.RAJARAMAN, Advocate (SR-4432[F] dated 03/02/2020)

+1 CC to M/s.SPL GP (SR-4547[F] dated 04/02/2020)

W.P. (MD) No.2044 of 2020
03.02.2020

JMN(10.02.2020) 3P : 13C