



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2020**

CORAM:

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

W.P. (MD) No.3057 of 2020

WEB COPY

- 1.D.Rajkumar
- 2.N.Chithambara Marthandan
- 3.S.Ramasubramanian
- 4.J.Sivester Swarna Latha
- 5.M.S.P.Sankarraaj
- 6.R.Panchapakesan
- 7.M.Arul Bosco Prakash
- 8.M.Sankar
- 9.R.Ashok Kumar
- 10.M.Jeyaraman
- 11.M.Velpari
- 12.C.Krishnamurthy
- 13.A.Kanthasamy
- 14.P.Catherine
- 15.P.Ravichandran
- 16.C.Raja

... Petitioners

/vs./

- 1.The Agricultural Production Commissioner and
Principal Secretary to the Government,
Agriculture Department,
Secretariat, Chennai-600 009.

- 2.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandanam, Chennai-35.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the second respondent to draw seniority panel for promotion to the post of Assistant Executive Engineer for the year 2020 and promote the petitioners to the post of Assistant Executive Engineer on the basis of their seniority in accordance with the Government order in G.O.Ms.No.34 Agriculture (AA3) Department dated 17.02.2015 within the time period stipulated by this Court.

For Petitioners	: Mr.T.Lajapthi Roy
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.

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



2. Though the petitioners have sought for issuance of writ of mandamus to direct the second respondent to draw seniority panel for promotion to the post of Assistant Executive Engineer for the year 2020 and promote to the post of Assistant Executive Engineer on the basis of their seniority in accordance with the Government order in G.O.Ms.No.34, Agriculture (AA3) Department, dated 17.02.2015, 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 a representation on 20.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 20.01.2020, on its own merits and pass appropriate orders within a period of eight (8) 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1.The Agricultural Production Commissioner and
Principal Secretary to the Government,
Agriculture Department,
Secretariat, Chennai-600 009.

2.The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandanam, Chennai-35.
College Road,
Chennai-600 006.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-6740[F]dated 18/02/2020)
+1 CC to SPL.GP (SR-6786[F] dated 18/02/2020)

Order made in
W.P. (MD) No.3057 of 2020
17.02.2020

VB(02.03.2020) 3P 5C