



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2020**

CORAM:

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

W.P. (MD) No.2863 of 2020

and

W.M.P. (MD) Nos.2428 and 2429 of 2020

WEB COPY

J.Suresh Kumar

... Petitioner

/vs./

1.The Secretary to Government,
Rural Development and Panchayatraj Department,
Fort St.George, Chennai 600 009.

2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai 600 015.

3.The District Collector,
Karur District, Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent made in proceedings Na.Ka.Pava.4/2309/2014 dated 13.04.2018 in so far as the petitioner concerned at Serial No.88 in Rank No.204 of the impugned proceedings and quash the same as illegal, arbitrary and non est in law and consequently direct the respondents 1 to 3 to refix the seniority of the petitioner in the post of Junior Assistant and Assistant by duly following Rule of Combined seniority by taking into consideration of date of declaration of probation of petitioner on 31.05.2010 under G.O.(1D) No.273 dated 22.05.2012 Rural development and Panchayat Raj (E7) Department and grant all other consequential promotional and monetary attendant benefits.

For Petitioner : Mr.G.R.Sathish

For Respondents : Mr.C.M.Mari Chellaiah 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.Being aggrieved against the fixation of the seniority as per the impugned seniority list dated 13.04.2018, the petitioner had given his objections dated 18.06.2018 for refixation of his seniority. In view of the non consideration of his objections, the present writ petition has been filed.

<https://hdservices.judges.gov.in/hcservices/>



3. Though the petitioner has sought for issuance of writ of Certiorarified mandamus to quash the proceedings in Na.Ka.Pava.4/2309/2014 dated 13.04.2018 passed by the third respondent, the learned counsel for petitioner now abridged the prayer and submitted that it would suffice if the representation dated 18.06.2018 given by the petitioner is directed to be considered by the respondents 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 respondents herein to consider the petitioner's representation, dated 18.06.2018, 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 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 Petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk

To:

1.The Secretary to Government,
Rural Development and Panchayatraj Department,
Fort St.George, Chennai 600 009.

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



2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai 600 015.

3.The District Collector,
Karur District, Karur.

+1 CC to MR.N.K.PONRAJ, Advocate (SR-6399[F] dated 14/02/2020)

+1 CC to SPL.GP (SR-6598[F] dated 17/02/2020)

Order made in
W.P. (MD) No.2863 of 2020
13.02.2020

_KM/ (24.02.2020) 3P 6C