



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

CORAM:

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

W.P. (MD) No.3322 of 2020

R.Rakkapan

... Petitioner

/vs./

1.The State of Tamil Nadu

Represented by its Principal Secretary to the Government,
Higher Education (H1) Department,
St.George Fort,
Chennai.

2.The Commissioner of Social Welfare,
Commissionerate of Social Welfare,
No.1, Panagal Maligai Building 2nd Floor,
Jeenis Road, Saidapet,
Chennai-600015.

3.The District Project Officer,
Integrated Child Development Projects,
District Collectorate,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to award selection Grade to the service of the petitioner as per the directions issued by the first respondent in Letter No.16393/H1/2018-1 dated 11.02.2019 with all consequential monetary benefits.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.V.Anand

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 respondents to award selection Grade to the service of him as per the directions issued by the first respondent in Letter No.16393/H1/2018-1 dated 11.02.2019 with all consequential monetary benefits, 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 a representation on 27.01.2020 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.

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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 second respondent herein to consider the petitioner's representation, dated 27.01.2020, in the light of the letter dated 11.02.2019 issued by the first respondent herein in Letter No.16393/H1/2018-1, on its own merits and pass appropriate orders within a period of twelve (12) 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

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/ /2020

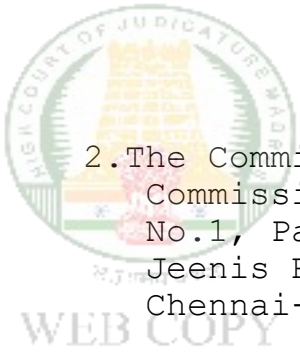
Sub Assistant Registrar(CS)

cp

To:-

1.The Principal Secretary to the Government,
State of Tamil Nadu
Higher Education (H1) Department,
St.George Fort,
Chennai.

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



2.The Commissioner of Social Welfare,
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3.The District Project Officer,
Integrated Child Development Projects,
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Virudhunagar.

+1 CC to Mr.K.K.KANNAN, Advocate (SR-7108[F] dated 19/02/2020)

+1 CC to SPL.GP (SR-7261[F] dated 20/02/2020)

Order made in
W.P.(MD)No.3322 of 2020
19.02.2020

VB(02.03.2020) 3P 6C