



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

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

W.P.(MD) No.3901 of 2020

M.Dharmalingam

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Personal and Administrative Reforms Department,
Fort St.George,
Chennai-9.

2.The Tamil Nadu Public Service Commission,
Rep. 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 petitioner in the CSSE-I Examinations, 2009-2011 conducted by the Tamil Nadu Public Service Commission and promote the petitioner to the post of Deputy Thasildar with all monitory attendant benefits based on his respective mark/rank in the light of the judgment rendered by our Hon'ble High 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 & Others Vs. The Additional Chief Secretary & Others dated 15.11.2019 and on the basis of the petitioner representations dated 29.01.2020 and 17.02.2020.



WEB COPY

For Petitioner : Mr.R.Rajaraman
For R-1 and
R-3 to R-5 : Mr.R.Sethuraman
Special Government Pleader
For R-2 : 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 petitioner has sought 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 him in the CSSE-I Examinations, 2009-2011 conducted by the Tamil Nadu Public Service Commission and promote him to the post of Deputy Thasildar with all monitory attendant benefits based on his 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 petitioner would submit that he has already made the representation on 17.02.2020 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 first respondent herein to consider the petitioner's representation, dated 17.02.2020, 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 petitioner in his 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.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2020

Sub Assistant Registrar(CS)

cp

To:

1.The Principal Secretary,
Government of Tamil Nadu,
Personal and Administrative Reforms Department,
Fort St.George, Chennai-9.

2.The Tamil Nadu Public Service Commission,
Rep. 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.

+1 CC to M/s.SPL.GP (SR-8785[F] dated 27/02/2020)

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-8450[F] dated 26/02/2020)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-9160[F] dated 28/02/2020)

Order made in
W.P. (MD) No.3901 of 2020
26.02.2020

JMN(06.03.2020) 3P : 9C