



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.4169 of 2020

Balasubramanian

... Petitioner

/vs./

1.The Director,
O/o., The Director of Adi Dravidar Welfare Officer,
Chepauk, Chennai 600 005.

2.The District Adi Dravidar Welfare Officer,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to promote the petitioner to the post of B.T.Assistant by considering the promotion panel of 2017-2018 within the time frame fixed by this Court.

For Petitioner	: Mr.C.Prithviraj
For Respondents	: Mr.C.M.Mari Chellaiah Prabhu Additional Government Pleader

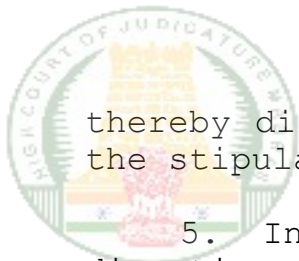
ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the first respondent to promote the petitioner to the post of B.T.Assistant by considering the promotion panel of 2017-2018, in my view, such a decision is to be taken by the first respondent 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 representation on 16.12.2019 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 16.12.2019, on its own merits and pass appropriate orders within a period of six (6) 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 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(AE)

TRUE COPY

/ /2020
SUB ASSISTANT REGISTRAR(CS)

rmk

To:

1.The Director,
O/o., The Director of Adi Dravidar Welfare Officer,
Chepauk, Chennai 600 005.

2.The District Adi Dravidar Welfare Officer,
Sivagangai District.

+1 CC to M/s.C.PRITHIVIRAJ, Advocate (SR-9200[F] dated 28/02/2020)

+1 CC to M/s.SPL.GP (SR-9639[F] dated 02/03/2020)

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MKB(16.03.2020)/2P/5C