



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5433 of 2020
and
W.M.P.(MD).No.4727 of 2020

T.Esthar Besant

... Petitioner

Vs.

1.The Chief Engineer / Personal
Tamil Nadu Generation and Distribution
Corporation Ltd.,
8th Floor, N.P.K.R.R. Maaligai,
144, Anna Salai,
Chennai -2.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Kanyakumari Distribution Division,
Parvathipuram,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to grant promotion to the petitioner to the post of Inspector of Assessment on par with my immediate juniors pursuant to the inclusion of the name of the petitioner at Seniority No.2467-A by considering the request of the petitioner dated 17.02.2020.

For petitioner : Mr.S.C.Herold Singh

For respondents : Mr.T.Sakthi Kumaran

ORDER

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



2. The learned counsel for the petitioner submitted that the petitioner joined in the services of the respondents as Assessor Grade II and while she was serving so, she was issued with a charge memo and imposed with a penalty by order dated 16.09.2014. Subsequently, on appeal, the punishment was set aside on 16.04.2015 and she was exonerated from the charges. As the petitioner was imposed with punishment, she was not considered for promotion. Hence, the petitioner submitted an application on 28.05.2018 to include her name for promotion to the post of Inspector of Assessment on par with her immediate juniors. The first respondent has restored the seniority of the petitioner on par with her immediate junior. The grievance of the petitioner is that though her immediate junior was promoted as Inspector of Assessment as early as on 31.12.2018, till date she has not been promoted to the said post on par with her immediate junior. Hence, the petitioner has submitted a representation dated 17.02.2020, in this regard, to the respondents. But, the same has not been considered by the respondents till date. Hence, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner would further submit that though the petitioner has come up with a larger relief, it would suffice if a direction is given to the respondents to consider the representation of the petitioner dated 17.02.2020 within a stipulated time.

4. The learned counsel for the respondents submitted that the representation of the petitioner dated 17.02.2020 would be considered by the respondents as early as possible.

5. 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 a stipulated time.

6. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 17.02.2020 and pass appropriate order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 17.02.2020, along with a copy of this order to the first respondent for early consideration of the matter.



7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (A.S.)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gcg

To

1.The Chief Engineer / Personal
Tamil Nadu Generation and Distribution
Corporation Ltd., 8th Floor, N.P.K.R.R. Maaligai,
144, Anna Salai, Chennai -2.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Kanyakumari Distribution Division,
Parvathipuram,
Nagercoil,
Kanyakumari District.

+1cc to Mr.S.C. Herold Singh, Advocate, SR No.11829, dated 16.3.2020
+1cc to Mr.T. Sakthi Kumaran, Advocate, SR No.11983, dated 17.3.2020

Order made in
W.P.(MD) No.5433 of 2020
Dated: 16.03.2020

PU (22.05.2020) 3P 5C