

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32689 of 2012

K.Ramachandran

...Petitioner

Vs

1.The Government of Tamil Nadu
Rep., by the Agricultural
Production Commissioner and
Secretary to the Government,
Agriculture Department,
Fort St.George,
Chennai 600005.

2.The Chief Engineer
(Agricultural Engineering),
Nandanam, Chennai-600035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take action on the petitioner's representation dated 13.07.2010 praying for award of selection grade scale of pay in the post of Assistant Executive Engineer (Agricultural Engineering) in the light of the orders passed by the second respondent in Proc.No.GE2/49854/2007-2 dated 16.04.2008.

For Petitioner : P.Mohanraj

For Respondents: Mr.S.Thangavel, SGP

O R D E R

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

2.Since the petitioner's request to the respondents to grant selection grade in the post of Assistant Executive Engineer, (Agricultural Engineering) was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 13.07.2010, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 13.07.2010, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 13.07.2010, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Agricultural Production Commissioner and
Secretary to the Government,
The Government of Tamil Nadu
Agriculture Department, Fort St.George,
Chennai 600005.

2.The Chief Engineer (Agricultural Engineering)
Nandanam, Chennai-600035.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.24228
+1cc to the Government Pleader, S.R.No.24716

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RGN(CO)
CB(07/07/2021)



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