



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.21912 of 2016

K.Panneerselvam

...Petitioner

-Vs-

1. The State of Tamilnadu,
Rep.by its Principal Secretary to
Government,
Municipal Administration &
Water Supply Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Director of Town Panchayat,
Kuralagam, Chennai - 600 108.

3. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the Respondents to pass orders promoting the Petitioner to the post of Junior Assistant with retrospective effect from the date of vacancy to the post for the year 2008-2009 with all consequential and other attendant benefits including payment of salary within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader.

O R D E R

The petitioner herein had given various representations to the respondents seeking for promotion to the post of Junior Assistant with retrospective effect from the date of vacancy to the said post for the year 2008-2009, with all consequential and other attendant benefits, including payment of salary within a time period to be stipulated by this Court.



2. It is needless to point out that whenever representations of this nature are 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.

3. Since the representation was made on 23.02.2015, it would not be appropriate to direct the respondents to consider the same after a lapse of five years. On the other hand, if the petitioner is granted liberty to give a fresh representation with a consequential direction to the respondents to consider the same, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the second respondent, along with a copy of the earlier representation dated 23.02.2015, ventilating his grievances as expeditiously as possible and on receipt of such representation from the petitioner, the second respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (08) weeks from the date of receipt of the fresh representation made by the petitioner.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sts/ata

To:

1. The Principal Secretary to Government,
The State of Tamilnadu,
Municipal Administration &
Water Supply Department,
Secretariat,
Fort St.George,
Chennai - 600 009.



2. The Director of Town Panchayat,
Kuralagam, Chennai - 600 108.

3. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

+1cc to the Government Pleader, S.R.No.63031

W.P.No.21912 of 2016

PMK[co]
NSK 14/12/2021