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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 23.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17662 of 2018

Mrs.P.Mani

...Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.
2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.955, E.V.N.Road,
Erode - 638 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders on the representation of the petitioner dated 28.03.2018 in the light of the recommendation made by the Chief Engineer/Projects/Civil/ Erode to the 2nd respondent in letter No.CE/P/C/EA/F.RWE/D.45/2014-1 dated 25.07.2014 to repose the petitioner in the existing vacancy as full time regular employee with all attendant benefits instead of part time conservancy worker forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

O R D E R

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



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2. Since the petitioner's request to the respondents to repost her in the existing vacancy as full time regular employee with all attendant benefits was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 28.03.2018, 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 28.03.2018, in the light of the recommendation made by the third respondent in his letter dated 25.07.2014, 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 28.03.2018, in the light of the recommendation made by the third respondent dated 25.07.2014 to the second respondent, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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(CCC)

//True copy//

Sub Assistant Registrar

hvk



To

1. The Chairman,
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.

2. The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.144, Anna Salai,
Chennai - 600 002.

3. The Chief Engineer (Personnel),
Tamil Nadu Electricity Generation
and Distribution Corporation,
No.955, E.V.N.Road,
Erode - 638 009.

+1cc to M/s.T.S.Gopalan & Co., SR.No.29686

+1cc to Mr.C.Prabakaran, Advocate SR.No.29314

W.P.No.17662 of 2018

RK(CO)
RLP(15/07/2021)