



WEB COPY



W.P.No.16703 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.16703 of 2017

K.Arputharaj

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Rural Development and
Panchayat Raj Department,
Panagal Maligai, Saidapet,
Chennai 600 015.

3.The District Collector,
Karur, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent for considering and send the Proposal to 1st respondent to pass orders on the representation of the petitioner dated 24.10.2016 in the light of the order in



W.P.No.16703 of 2017

G.O.(1 P) No.447, Rural Development and Panchayat Raj Department dated 19.08.2015, passed by the first respondent within a time limit that may be specified by this Court.

For Petitioner : Mr.L.Santhosh Kumar

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

ORDER

The petitioner herein had given his representation to the second respondent seeking to set right the anomaly and to confer promotion on par with his junior V.Murugesan. Till date, the petitioner's representation has not been considered. Aggrieved by the same, the petitioner has filed the present writ petition seeking for a direction to the second respondent to consider the petitioner's representation dated 24.10.2016 within a time frame to be fixed 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



W.P.No.16703 of 2017

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 24.10.2016, it would not be appropriate to direct the second respondent 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 24.10.2016, 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 six (06) weeks from the date of receipt of the fresh representation made by the petitioner.



WEB COPY



W.P.No.16703 of 2017

M.S.RAMESH, J.,

ata

5. With the above direction, this Writ Petition stands disposed of.

However, there shall be no order as to costs.

09.12.2021

Index:Yes/No

Speaking Order / Non-Speaking Order

sts/ata

To:

1.The Principal Secretary,
Rural Development and
Panchayat Raj Department,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Rural Development and
Panchayat Raj Department,
Panagal Maligai, Saidapet,
Chennai 600 015.

3.The District Collector,
Karur, Karur District.

Order made in
W.P.No.16703 of 2017