



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M. S. RAMESH**

W.P. (MD) No.666 of 2021

and

W.M.P (MD) No.558 of 2021

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J.Amala Rexaline

...Petitioner

Vs

- 1.The Additional Chief Secretary,  
Labour and Employment Department,  
Secretariat,  
Chennai-600 009.
- 2.The Director,  
Department of Employment and Training,  
Guindy,  
Chennai-600 032.
- 3.The Secretary,  
Tamil Nadu Public Service Commission,  
TNPSC Road,  
VOC Nagar,  
Park Town,  
Chennai-600 003.
- 4.K.Karpagam,  
Deputy Director (Admission and Trade Test),  
Central Office,  
Department of Employment and Training,  
Guindy,  
Chennai-600 032.
- 5.P.Parameswari,  
Deputy Director (Purchase),  
Department of Employment and Training,  
Guindy, Chennai-600 032.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the petitioner's representation, dated 30.11.2020 and to fix the petitioner's seniority in the post of Deputy Director of Training in the second respondent's Department for the purpose of preparation of panel for promotion to the post of Joint Director (Training) and Regional Joint Director of Training for the year 2019-2020 in the light of the judgment dated 15.11.2019 passed by the Division Bench of this Court in K.Raja and others Vs. The Additional Chief Secretary to Government and others (W.P.No.998 of 2017) and Batch of Writ Petitions and to include her

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name in the panel for promotion, within a stipulated period of time as this Court may fix, and to consider her name for promotion to the above post, in the light of "Tamil Nadu Employment and Training Service Rules".

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For Petitioner : Mr.D.Gnanasekaran  
For R-1 and R-2 : Mr.S.Dhayalan  
Government Advocate  
For R-3 : Mr.D.Sivaraman  
Standing Counsel

**ORDER**

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the respondents 4 and 5, notice to them is dispensed with.

2.Since the petitioner's request to the respondents to fix her seniority in the post of Deputy Director of Training in the second respondent's Department for the purpose of preparation of panel for promotion to the post of Joint Director (Training) and Regional Joint Director of Training for the year 2019-2020 and to include her name in the panel for promotion were not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 30.11.2020, 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 first respondent herein to consider the petitioner's representation dated 30.11.2020, within a stipulated time and thereby the ends of justice could be secured.

5.Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 30.11.2020, after giving due opportunity of hearing to the petitioner, as well as K.Karpagam and P.Parameswari and considering their objections, if any and pass appropriate orders on merits and in accordance with law, within a period of twelve 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ( )

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**NOTE:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To**

1.The Additional Chief Secretary,  
Labour and Employment Department,  
Secretariat,  
Chennai-600 009.

2.The Director,  
Department of Employment and Training,  
Guindy,  
Chennai-600 032.

+1 CC to M/s.SPL GP ( SR-1416[F] dated 20/01/2021 )

+1 CC to M/s.D.SIVARAMAN, Advocate ( SR-1456[F] dated 20/01/2021 )

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SVN (CO)  
KB(01.02.2021) 3P 5C