



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.443 of 2021

Dr.G.Parthasarathi Malliah

...Petitioner

Vs.

1.The Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
St. George Fort,
Chennai - 600 009.

2.The Director,
Directorate of Animal Husbandry and Veterinary Services,
No.571, Annasalai, Nandanam,
Chennai - 600 035.

3.The Accountant General (A & E),
Office of the Principal Accountant General,
No.361, Anna Salai, Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein be suitably directed to refix seniority of writ petitioner on par with his immediate junior in light of Judgment reported in reported in 2015 (4) MLJ 281 and by following Rule 35(a) of the General Rules of Tamil Nadu State and Subordinate Services and there by grant notional promotion to the post of Regional Joint Director in the Animal Husbandry with all monetary and service benefits and accordingly refix his pensionary benefits within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.S.Dayalan for R1 and R2
Government Advocate

O R D E R

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

2.Since the petitioner's request to the respondents to refix seniority of writ petitioner on par with his immediate junior and there by grant notional promotion to the post of Regional Joint Director in the Animal Husbandry with all monetary and service benefits and accordingly refix his pensionary benefits were not considered, the Writ Petition has been filed. According to the petitioner, he 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, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Secretary to Government,
Department of Animal Husbandry,
Dairying and Fisheries,
St. George Fort,
Chennai - 600 009.

2.The Director,
Directorate of Animal Husbandry and Veterinary Services,
No.571, Annasalai, Nandanam,
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+1 CC to M/s.GP (SR-1139[F] dated 19/01/2021)

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18.01.2021

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ES (CO)

KK(03.02.2021) 3P 4C