



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.549 of 2021

L.Vadivelan

...Petitioner

Vs

1.The Chief Executive Officer,
Tamil Nadu Khadi & Village Industries Board,
Kuralagam Building,
Chennai-600104.

2.The Regional Deputy Director of Khadi &
Village Industries Board,
Bye-Pass Road,
Madurai-625016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to include the name of the petitioner in the panel of Assistant Khadi Officers as on 15.03.2020 fit for promotion to the post of Assistant Director of Khadi & Village Industries, in the light of Provision (I-K) and I-IJ) of the Rule 4(a) of Tamil Nadu State and Subordinate Service Rules issued under G.O.Ms.No.22, Personnel and Administrative Reforms(S) Department dated 24.02.2014, by considering the petitioner's representation dated 27.08.2020, within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah
for M/s.Ajmal Associates

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

O R D E R

In view of the limited prayer sought for and since this Court is not adjudicating the emerge of the case, notice to the respondents is dispensed with.

2.Since the petitioner's request to the respondents to include his name in the panel of Assistant Khadi Officers as on 15.03.2020 fit for promotion to the post of Assistant Director of Khadi & Village Industries was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 27.08.2020, 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 27.08.2020, 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 27.08.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

Sd/-

Assistant Registrar (CO)

// 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 Chief Executive Officer,
Tamil Nadu Khadi & Village Industries Board,
Kuralagam Building,
Chennai-600104.



2.The Regional Deputy Director of Khadi &
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Bye-Pass Road,
Madurai-625016.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1222[F] dated
19/01/2021)

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(CO)
kv(08.02.2021) 3P 4C