



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.686 of 2021
and
W.M.P. (MD) .Nos.571 & 572 of 2021

S.Ganesan

... Petitioner

Vs.

1. The Commissioner of Milk Production and Dairy Development,
Tamil Nadu Co-operative Milk Producers Federation Ltd.,
Madhavaram, Chennai - 51.

2. The General Manager,
Madurai District Co-operative Milk Producer's Union Ltd.,
Sathamangalam, Madurai - 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus pleaded to call for the entire records pertaining to the impugned employment notification Sl.No.6 in Advertisement No. 1/2019 dt.19.06.2019, issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to promote the petitioner to the Executive (office) against the existing vacancy as per 31.03.2020 cadre strength list and as per the seniority list published on 01.04.2019 and fixing a time frame and thus render justice.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.E.Mareeskumar
Standing Counsel

O R D E R

Heard Mr.R.Ramasamy, learned counsel for the petitioner and Mr.E.Mareeskumar, learned Standing Counsel for the respondents.

2.Though the petitioner has sought for issuance of a writ of Certiorarified Mandamus, to quash the impugned employment notification Sl.No.6 in Advertisement No. 1/2019 dt.19.06.2019,
<https://hcservices.courts.gov.in/hcservices/ServiceDetails.do>



issued by the 2nd respondent, the learned counsel for the petitioner would submit that he would be satisfied if the representation dated 29.01.2019 given by the petitioner, is directed to be considered by the respondents within a stipulated time.

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 29.01.2019, 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 view 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 29.01.2019, 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// 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 Commissioner of Milk Production and Dairy Development,
Tamil Nadu Co-operative Milk Producers Federation Ltd.,
Madhavaram, Chennai - 51.

2. The General Manager,
Madurai District Co-operative Milk Producer's Union Ltd.,
Sathamangalam, Madurai - 20.

+1 CC to Mr.R.RAMASAMY, Advocate (SR-7941[F] dated 01/03/2021)

TM

TE : 09/03/2021 : 3P/4C

W.P.(MD) No.686 of 2021 and
W.M.P.(MD) .Nos.571 & 572 of 2021
26.02.2021
(2/6)