



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.767 of 2021

K.Sivanandam

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 9.

2.The District Collector,
O/o. The Collectorate Campus,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.03.2020 seeking notional promotion to the post of Assistant Director (Panchayat) for the year 2005-2006 in the light of the G.O.(D).No.442 Rural Development and Panchayat Raj Department dated 08.08.2007 and in the light of Order made in W.P.No.29324 of 2007 dated 07.09.2007 with all attended monetary benefits within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.S.Dayalan
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 seeking notional promotion to the post of Assistant Director (Panchayat) for the year 2005-2006 with all attended monetary benefits, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 12.03.2020, 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 12.03.2020, in the light of the G.O.(D).No.442 Rural Development and Panchayat Raj Department dated 08.08.2007, 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 12.03.2020, in the light of the G.O.(D).No.442 Rural Development and Panchayat Raj Department dated 08.08.2007, on its own merits and pass appropriate orders 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.

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 Secretary to Government, State of Tamilnadu,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 9.

2. The District Collector,
O/o. The Collectorate Campus,
Sivagangai,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-1625[F] dated 21/01/2021)

W.P. (MD) No.767 of 2021
20.01.2021

SJ(CO)

KB(29.01.2021) 2P 4C

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