



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1678 of 2021

1.M.Saravana Kumar
2.T.John Bastin Dallus
3.S.Rajagopal
4.K.Prabha
5.L.Eugine

...Petitioners

Vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.

3.The District Collector,
Dindigul District,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation of the petitioners dated 24.12.2020 to bring an appropriate amendment to the service rules including withdrawal of the amendment to the service rules by G.O.No.133, Revenue, dated 07.02.1995, to address the grievance of non-graduate promotee assistants to ensure that the directly recruited graduate assistants are not given seniority over and above the non-graduate promotee assistants only because they are graduates, in the light of the order passed by the Honourable Supreme Court in Civil Appeal Nos.251-256 of 2015, dated 12.03.2019, within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan

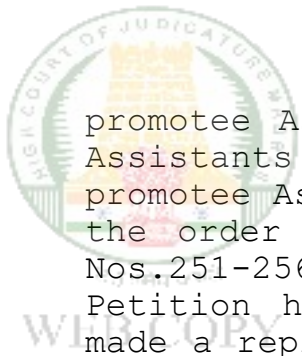
For Respondents : Mr.P.Kannithevan

Additional Government Pleader

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 petitioners' request to the respondents to bring an appropriate amendment to the Service Rules including withdrawal of the amendment to the Service Rules by G.O.No.133, Revenue, dated 07.02.1995, to address the grievance of Non-graduate



promotee Assistants to ensure that the directly recruited Graduate Assistants are not given seniority over and above the Non-graduate promotee Assistants only because they are Graduates, in the light of the order passed by the Honourable Supreme Court in Civil Appeal Nos.251-256 of 2015, dated 12.03.2019, was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representation in this regard, jointly, on 24.12.2020, 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 petitioners' representation dated 24.12.2020, 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 first respondent to consider the petitioners' representation dated 24.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Chennai - 600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
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Chepauk, Chennai - 600 005.

3.The District Collector,
Dindigul District,
Dindigul.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-3168[F] dated 03/02/2021)

W.P. (MD) No.1678 of 2021
02.02.2021

PM(CO)
KB(16.02.2021) 3P 5C