



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2837 of 2021

R.Pitchai mani

...Petitioner

Vs

1.The Secretary to Government,
Animal Husbandry & Fisheries Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner of Milk Production and Dairy Development,
Madhavaram Milk Colony,
Chennai-600 051.

3.The General Manager,
Madurai District Co-operative Milk Producers Union Limited,
Sathamangalam,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner for promotion as Executive (office) from the post of Junior Executive (office) in the light of the order of this Court in W.P(MD) No.15344 & 15345 of 2016 dated 09.06.2017 and confer all the service and monetary benefits including the Annual Increments from the year 2020.

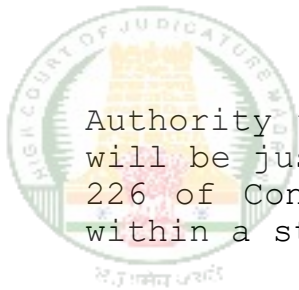
For Petitioner	: Mr.V.Karthik kanna
For R-1 and R-2	: Mr.P.Kannithevan
	Additional Government Pleader
R3	: Mr. E.Mareeskumar

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 consider his name for promotion as Executive (Office) from the post of Junior Executive (Office) was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 16.12.2020, 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 third respondent herein to consider the petitioner's representation dated 16.12.2020, 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 third respondent to consider the petitioner's representation dated 16.12.2020, 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 (CSIII)

// 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,
Animal Husbandry & Fisheries Department,
Secretariat, Fort St. George, Chennai.
 2. The Commissioner of Milk Production and Dairy Development,
Madhavaram Milk Colony, Chennai-600 051.
 3. The General Manager,
Madurai District Co-operative Milk Producers Union Limited,
Sathamangalam, Madurai-625 020.
- +1 CC to M/s.SPL GP (SR-5635[F] dated 17/02/2021)

W.P. (MD) No.2837 of 2021
16.02.2021

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