



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4023 of 2021

and W.M.P. (MD).No.3242 of 2021

WEB COPY

Tamil Nadu Pathivuthurai SC/ST Paniyalar Nalasangam,
represented by its President,
Mr.S.Karuppiah.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.

2.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Chennai - 28.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.2 to draw Seniority Panel for recruitment by transfer to the post of Sub- Registrar Grade II on the basis of the Seniority in the Combined Cadre of Junior Assistant Typist, Steno Typist and Assistant based on the date of initial Appointment in the category or entry into service in accordance with the Order passed by the Tamil Nadu Administrative Tribunal in OA.NO.392 of 1989 dated 27/08/1993 and in the light of the Government Order in G.O.(3D).No.2 Commercial taxes and Registration (H2) Department, dated 12/03/2007.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Sathiya Singh

Additional Government Pleader

ORDER

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 draw Seniority Panel for recruitment by transfer to the post of Sub- Registrar Grade II on the basis of the Seniority in the Combined Cadre of Junior Assistant Typist, Steno Typist and Assistant based on the date of initial Appointment in the category or entry into service in accordance with the Order passed by the Tamil Nadu Administrative Tribunal in OA.NO.392 of 1989 dated 27/08/1993 and in the light of the Government Order in G.O.(3D).No.2 Commercial taxes and Registration (H2) Department, dated 12/03/2007, was not



considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 26.12.2020, 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 second respondent herein to consider the petitioner's representation dated 26.12.2020, 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 second respondent to consider the petitioner's representation dated 26.12.2020, 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. Consequently, connected miscellaneous petition is closed.

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 Principal Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 600 009.

2.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Chennai - 28.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-8548[F] dated 03/03/2021)

+1 CC to M/s.SPL GP (SR-8461[F] dated 03/03/2021)

W.P.(MD) No.4023 of 2021
02.03.2021

VR(CO)
KB(19.03.2021) 3P 5C