



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4887 of 2021

M.Sathya

...Petitioner

Vs.

1.The Commissioner,
Directorate of SC & ST Welfare,
Cheppakkam,
Chennai.

2.The District SC & ST Welfare Officer,
Collector Office,
Theni 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 25-02-2021, at the time of passing transfer order, without conducting general counselling for transfer.

For Petitioner : Mr.K.Neethimohan

For Respondents : Mr.S.Dayalan
Government Advocate

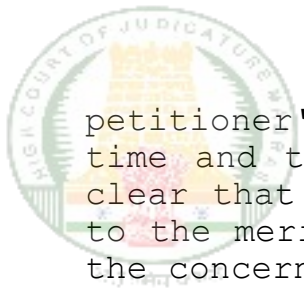
O R D E R

By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.Since the petitioner's representation, dated 25-02-2021, given at the time of passing transfer order, without conducting general counselling for transfer, was not considered, the Writ Petition has been filed.

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 respondents herein to consider the



petitioner's representation, dated 25.02.2021, 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.

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5. Accordingly, there shall be a direction to the respondents to consider the petitioner's representation, dated 25.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of two 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)

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.*

To

1. The Commissioner,
Directorate of SC & ST Welfare,
Cheppakkam,
Chennai.
2. The District SC & ST Welfare Officer,
Collector Office,
Theni District.

+1 CC to M/s.SPL GP (SR-10203[F] dated 10/03/2021)

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VB (25.03.2021) 2P 4C