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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.03.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.4945 of 2021
and W.M.P.(MD).No.4015 of 2021

K.Kaliyan ...Petitioner

Vs.

1.The Chairman,
TNEB Ltd.,
144, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer (Personnel),
TNEB Ltd./TANGEDCO,
144, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Madurai Electricity Distributor Circle/Metro,
TANGEDCO,
Madurai - 625 007.

4.The Superintending Engineer,
Dindigul Electricity Distributor Circle,
TANGEDCO,
Dindigul - 624 004. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to allot the petitioner in Madurai Electricity Distribution Circle / Metro in pursuant to the promotion panel of Junior Engineer / Electrical Grade II, fit for promotion to the post of Junior Engineer / Electrical Grade-I in conformity with the proceedings of the 2nd respondent vide his memo No.007833/42/G.43/G.432/2009-1, dated 02.02.2009 and by considering the petitioner's representations, dated 23.12.2020 and 22.02.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar for
M/s. Ajmal Associates

For Respondents : Mr.T.Sakthikumaran
Standing Counsel

O R D E R

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

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2.Since the petitioner's request to the respondents to allot the petitioner in Madurai Electricity Distribution Circle / Metro in pursuant to the promotion panel of Junior Engineer / Electrical Grade II, fit for promotion to the post of Junior Engineer / Electrical Grade-I in conformity with the proceedings of the 2nd respondent vide his memo No.007833/42/G.43/G.432/2009-1, dated 02.02.2009, was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 23.12.2020 and 22.02.2021, 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 representations dated 23.12.2020 and 22.02.2021, 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.

5.Accordingly, there shall be a direction to the third respondent to consider the petitioner's representations dated 23.12.2020 and 22.02.2021, 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 (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Chairman,
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2.The Chief Engineer (Personnel),
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3.The Superintending Engineer,
Madurai Electricity Distributor Circle/Metro,
TANGEDCO,
Madurai - 625 007.

4.The Superintending Engineer,
Dindigul Electricity Distributor Circle,
TANGEDCO,
Dindigul - 624 004.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-9941[F] dated 10/03/2021)

+1 CC to MR.T.SAKTHI KUMARAN, Advocate (SR-9967 [F] dated 10/03/2021)

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