



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6394 of 2021

WEB COPY

N.Vadivel

...Petitioner

Vs.

1.State of Tamil Nadu,

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

2.The Commissioner,

Ezhilagam,
Chepauk,
Chennai-600 009.

3.Tmt.K.Nagaraji,

Assistant Commissioner (ST),
C/o. The Commissioner (CT)
Ezhilagam, Chepauk,
Chennai-600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first and second respondents to re-fix the petitioner's seniority in the cadre of Commercial Tax Officer by placing him above the third respondent.

For Petitioner : Mr.J.Athithya Reddy

For R-1 and R-2 : Mr.N.Shanmugaselvam
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 petitioner's request to the respondents to re-fix his seniority in the cadre of Commercial Tax Officer by placing him above the third respondent was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 13.06.2017, 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 13.06.2017, 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 13.06.2017, 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 (P&A)

// 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 Government
Commercial Taxes and Registration Department,
Secretariat, Fort St. George,

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



2.The Commissioner,
Ezhilagam,
Chepauk,
Chennai-600 009.

WEB COPY

+1 CC to M/s.J.ATHITHYA REDDY, Advocate (SR-13221[F] dated
24/03/2021)

+1 CC to M/s.SPL GP (SR-13246[F] dated 24/03/2021)

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