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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.01.2021
CORAM:
**THE HONOURABLE MR.JUSTICE M.S.RAMESH**
W.P.(MD) No.14730 of 2019

R.Sivasankara Narayanan ...Petitioner

Vs.

1.The Secretary to Government,
BC, MBC & Minorities Welfare Department,
Government of Tamil Nadu,
St. George Fort, Chennai.

2.The Director,
BC, MBC & Minorities Welfare Department,
Chepauk, Chennai – 5.

3.The Commissioner,
BC, MBC & Minorities Welfare Department,
Chepauk, Chennai – 5.

4.The District Welfare Officer,
BC, MBC & Minorities Welfare Department,
Tirunelveli. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide notional promotion to the petitioner and consequential all monetary and pension benefits, subsequently refix the pension scale to the petitioner on the basis of the petitioner's representation dated 24.06.2019 and consider the same.

For Petitioner : Mr.A.Mu.Sharavanan
For Respondents : Mr.P.Mahendran
Additional Government Pleader

**O R D E R**

Heard Mr.A.Mu.Saravanan, learned counsel for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondents.

2.Since the petitioner's request to the respondents to provide notional promotion to the petitioner and consequential all monetary and pension benefits, subsequently refix the pension scale to the petitioner, were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 24.06.2019, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority,

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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 24.06.2019, 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 24.06.2019, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 ()

// 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 Secretary to Government,
BC, MBC & Minorities Welfare Department,
Government of Tamil Nadu,St. George Fort, Chennai.

2.The Director, BC, MBC & Minorities Welfare Department,
Chepauk, Chennai – 5.

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3.The Commissioner, BC, MBC & Minorities Welfare Department,
Chepauk, Chennai - 5.

4.The District Welfare Officer, BC, MBC & Minorities Welfare
Department, Tirunelveli.

+1 CC to M/s.SPL GP ( SR-2167[F] dated 27/01/2021 )

W.P.(MD) No.14730 of 2019
25.01.2021

ES(CO)
KB(15.02.2021) 3P 6C

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