



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.18815 of 2020

R.Gopalakannan

... Petitioner

Vs.

1.The Agricultural Production Commissioner,
And Secretary to the Government,
Fort St. George,
Chennai - 09.

2.The Chief Engineer,
Agriculture Engineering Department,
487, Anna Salai,
Nandhanam,
Chennai - 35.

3.Assistant Executive Engineer,
Agricultural Engineering Department,
Krishnagiri,
Krishnagiri District,
Tirunelveli Circle.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to award 'Special Grade' in the post of Junior Engineer based on the representation dated 01.06.2018 preferred by the petitioner so as to enable the petitioner to get the revised pension.

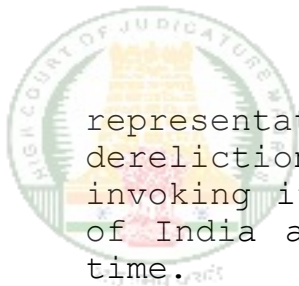
For Petitioner : Mr.V.P.Rajan
For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate.

O R D E R

Heard the learned Counsel on either side.

2. Since the petitioner's request to the respondents to award 'Special Grade' in the post of Junior Engineer was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 01.06.2018, 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.

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4. In the light of the above observations, it would be appropriate to direct the respondents herein to consider the petitioner's representation dated 01.06.2018, 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 respondents to consider the petitioner's representation dated 01.06.2018, on its own merits and pass appropriate orders in accordance with law, within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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

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