



WEB COPY

WP(MD) No.19539 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.19539 of 2020
and W.M.P.(MD) .No.16275 of 2020

S.Sellakkani

... Petitioner

Vs.

1. The Secretary to Government,
Department of Highways,
Fort St. George,
Chennai.
2. The Director General,
Highways Department,
Office of the Director General of Highways,
Chennai - 5.
3. The Divisional Engineer,
Highways Department,
Virudhunagar.
4. P.Sundarammal,
The Superintendent,
Highways Department,
Office of the Superintending Engineer,
Mettupalayam,
Coimbatore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to revise the seniority of the petitioner from the year of 2013 on par with his Junior P.Sundarammal in the post of Assistant and promote the petitioner to the post of Superintendent with all monetary benefits.

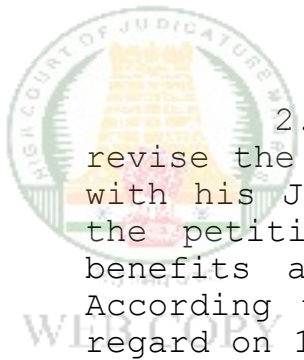
For Petitioner : Mr.S.Ramsundarvijayraj,
for M/s.Veera Associates

For Respondents : Mr.M.Muniasamy
Additional Government Pleader
for R1 to R3

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.

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



2. Since the petitioner's request to the respondents to revise the seniority of the petitioner from the year of 2013 on par with his Junior P.Sundarammal in the post of Assistant and promote the petitioner to the post of Superintendent with all monetary benefits are not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 15.07.2019, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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 15.07.2019, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 15.07.2019, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

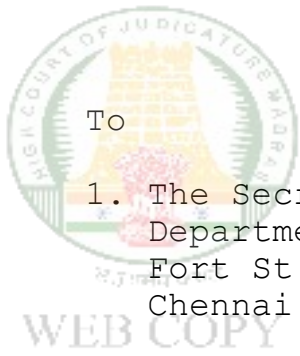
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/ /2021

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,
Department of Highways,
Fort St. George,
Chennai.
2. The Director General,
Highways Department,
Office of the Director General of Highways,
Chennai - 5.
3. The Divisional Engineer,
Highways Department,
Virudhunagar.

+1 CC to the SPL GP (SR-686[F] dated 08/01/2021)

W.P. (MD) No.19539 of 2020
07.01.2021

KVN(CO)
CS(25.01.2021) 3P 5C