



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13552 of 2022

K.Jagadesan

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep.by its Principal Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Saidapet, Chennai.
3. The District Collector,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner dated 01.04.2022 to the seniority list for the post of BDO and accordingly revise the seniority of the petitioner on par with said M.Shakila was done in the case of identically situated individual R.Ganesan pursuant to the orders of this Hon'ble Court in W.P.No.4488 of 2018 by extending the very same promotion as was extended to the said R.Ganesan as per G.O.Ms.No.297 dated 01.10.2019 and proceeding of the 3rd respondent dated 06.11.2019.

For Petitioner : Mr.A.Pramila

For Respondents: Mr.P.Ganesan
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 01.04.2022 to revise the seniority of the petitioner. Since the said representation was not considered, the present writ petition has been filed.



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, there shall be a direction to the respondents herein to consider the petitioner's representation dated 01.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

pns/dua

To

1. The Principal Secretary,
Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Rural Development and Panchayat Raj Department,
Panagal Maligai, Saidapet, Chennai.
3. The District Collector,
Dharmapuri District.

+lcc to Mr.P.Nethaji, Advocate, S.R.No.31975

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PA(CO)
CT 10/06/2022