



W.P.No.25829 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.25829 of 2019

R. Venkatachalam

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO),
No.144, Annasalai,
Chennai – 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation,
(TANGEDCO),
No.144, Annasalai,
Chennai – 600 002.

3.The Superintendent Engineer,
Salem Distribution Circle,
TANGEDCO,
Salem – 14.

4.The Assistant Executive Engineer,
Yeththapur Operation and Maintenance (O&M),
TANGEDCO,
Yeththapur,
Salem District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 & 2 to promote the petitioner as Foreman Grade-I based on the recommendation of the 3rd respondent dated 01.04.2019 vide his letter No.387/Ne.Pi.II/Uthavi.1/Ko.Mugavar/2019 and pay all consequential service benefits including revision of pension on par with others.

For Petitioner : Mr.K. Balu

For Respondents : Mr.K. Rajkumar

ORDER

The petitioner herein had given representation dated 26.04.2019, requesting the respondents for further promotion. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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



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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.

3. Since the representation given by the petitioner dates back to the year 2019, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law and in the light of the recommendation of the third respondent dated 01.04.2019, within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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5. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No

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To

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