



W.P.No.30259 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.30259 of 2017

E.Srinivasa Varadhan

...Petitioner

-Vs-

1.The State of Tamil Nadu
rep. by Secretary to Government,
Personnel & Administrative Reforms Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The District Collector,
Vellore District,
Vellore-9.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to include the name of the petitioner in 2015-2016 panel for promotion to the post of Assistant Section Officer on par with juniors with effect from 03.02.2016 along with interest with all consequential and other attendant benefits including arrears of salary, within a time frame as fixed by this Court.



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For Petitioner : Mr.G.Sankaran

For Respondent : Mr.K.J.A.Ravikumar
Nos.1 & 2 Government Advocate

ORDER

Heard Mr.G.Sankaran, learned counsel appearing for the petitioner and Mr.K.J.A.Ravikumar, learned Government Advocate appearing on behalf of the respondents.

2. The petitioner herein had given a representation on 28.01.2016 to the respondent/Deputy Secretary to the Government, Personnel & Administrative Reforms Department, Secretariat, Chennai to include the name of the petitioner in 2015-2016 panel for promotion to the post of Assistant Section Officer on par with juniors with effect from 03.02.2016. 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



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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. Since the representation given by the petitioner dates back to the year 2016, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, along with a copy of the earlier representation dated 28.01.2016, ventilating his grievances. On receipt of such a representation, the respondents shall consider it and pass appropriate orders in accordance with law, within a period of twelve (12) 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



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and it is open to the respondents to consider it on its own merits.

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

There shall be no order as to costs.

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Index:Yes/No

Internet:Yes/No

Speaking order/Non-speaking order

DP



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To

- 1.The Secretary to Government,
State of Tamil Nadu
Personnel & Administrative Reforms Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The District Collector,
Vellore District,
Vellore-9.



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M.S.RAMESH,J.

DP

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