



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.06.2022**

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD)No.10936 of 2022

R.Pandiyan

... Petitioner

/vs./

- 1.The Chairman and Managing Director,
144, TANTRASCO Building, Electricity Avenue,
Annasalai, Chennai.
- 2.Chief Engineer (Personnel),
The Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation &
Distribution Corporation Ltd., NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.
- 3.The Divisional Engineer,
Now called as Tamil Nadu Generation &
Distribution Corporation Ltd.,
Thirumayamn, Pudukkottai,
Formerly called as Managing Director of
Thirumayam Rural Electric Cooperative Society (P.A63),
Thirumayam, Pudukkottai District.
- 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Now called as Tamil Nadu Generation &
Distribution Corporation Ltd.,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to fix the inter se seniority of the petitioner for the post of Assistant Engineer in between R.Rajendran 438(a) and A.Nagarathinam 438(b) and to promote the petitioner to the post of Assistant Executive Engineer as per the inter se seniority based on the representation of the petitioner dated 04.01.2020.

For Petitioner	:	Mr.S.Ramsundarvijayraj
For Respondents	:	Mr.T.S.Gopalan
		Standing Counsel

ORDER

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

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2.The petitioner herein had given a representation to the respondents on 24.01.2020 seeking for fixation of the inter se seniority of the petitioner for the post of Assistant Engineer in between R.Rajendran 438(a) and A.Nagarathinam 438(b) and to promote the petitioner to the post of Assistant Executive Engineer as per the inter se seniority. 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 second respondent herein to consider the petitioner's representation dated 24.01.2020 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) 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 (CS-III)

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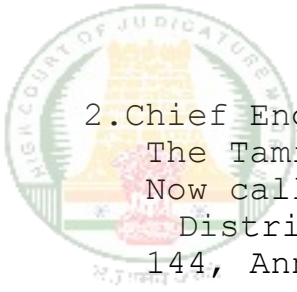
/ /2022

Sub Assistant Registrar(CS)

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TO:

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+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-25003[F] dated
10/06/2022)

W.P.(MD)No.10936 of 2022
08.06.2022

RD(17.06.2022) 3P 6C