



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.11119 of 2022

G.Balamurugan

... Petitioner

Vs.

1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

2.The Director of Adi Dravidar and Tribal Welfare,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Adi Dravidar and Tribal Welfare Officer,
Madurai,
Madurai District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent i.e. the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai, to instruct the 2nd respondent i.e. the Director of Adi Dravidar and Tribal Welfare Chennai, to pass appropriate orders on the petitioner's representation dated 30.12.2021, for refixing the petitioner's seniority on par with his colleagues with the same qualification who joined duty even in the year 2004 and to fix the petitioner's pay on par with them, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.Sivanupandian
Government Advocate

O R D E R

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 30.12.2021 seeking for refixing the petitioner's seniority on par with his colleagues with the same qualification who



joined duty even in the year 2004 and to fix the petitioner's pay on par with them. 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 30.12.2021 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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-II)

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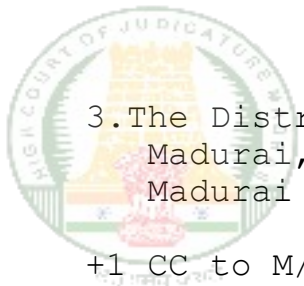
/06/2022

Sub Assistant Registrar(CS)

TM

To

- 1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.
- 2.The Director of Adi Dravidar and Tribal Welfare,
Ezhilagam,
Chepauk,
Chennai - 600 005.



3.The District Adi Dravidar and Tribal Welfare Officer,
Madurai,
Madurai District.

+1 CC to M/s.SPL.GP (SR-25106[F] dated 10/06/2022)

+1 CC to M/s.S. VISVALINGAM, Advocate (SR-25455[F] dated 13/06/2022)

W.P. (MD) No.11119 of 2022
09.06.2022

SB (CO)
KB (29.06.2022) 3P 6C