



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2022**

CORAM:

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

W.P. (MD)No.1075 of 2019

and W.M.P. (MD)No.896 of 2019

WEB COPY

Saravanan

... Petitioner

/vs./

1.The Director General,
Highways Department,
No.76, Sardar Patel Road,
Guindy,
Chennai - 25.

2.The Divisional Engineer,
Highways Department,
Pudukkottai,
Pudukkottai District.

... Respondents

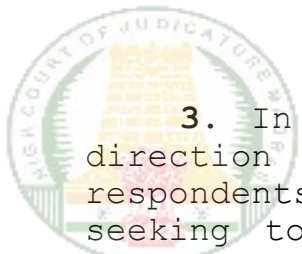
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to prepare inter-se seniority between Directly Recruited Assistants and Assistant appointed by promotion as per Rule 35(aa) of Tamil Nadu Subordinate Service Rules on the basis of the representation dated 31.12.2018.

For Petitioner : Ms.M.Viji
for Mr.S.Deenadhayalan
For Respondents : Mr.R.Ragavendran,
Government Advocate.

ORDER

The petitioner herein had given a representation to the first respondent on 31.12.2018, seeking to prepare inter-se seniority between Directly Recruited Assistants and Assistant appointed by promotion as per Rule 35(aa) of Tamil Nadu Subordinate Service Rules. Since the said representation was not considered, the present writ petition has been filed.

2. 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.



3. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the respondents, though he has made a representation on 31.12.2018, seeking to prepare inter-se seniority between Directly Recruited Assistants and Assistant appointed by promotion as per Rule 35(aa) of Tamil Nadu Subordinate Service Rules and on receipt of such representation, the respondents herein shall consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of such representation. 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.

4. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Admn.I)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

vsm

To

1. The Director General,
Highways Department,
No.76, Sardar Patel Road,
Guindy,
Chennai - 25.

2. The Divisional Engineer,
Highways Department,
Pudukkottai,
Pudukkottai District.

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-28847[F] dated 29/06/2022)

+1 CC to M/s.SPL.GP (SR-28996[F] dated 30/06/2022)

Order made in
W.P.(MD) No.1075 of 2019

Dated:
28.06.2022