



WP(MD)No.4707 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM:

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

W.P.(MD)No.4707 of 2019

M.Arul Jothi

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to
Government,
Environment and Forest Department,
Secretariat,
Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genius Road,
Saidapet, Chennai – 600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider the petitioner's representation dated 27.08.2018 for fixing his seniority from the date of his selection dated 06.12.1999 as per law laid down by the Hon'ble Supreme Court of India in (1994) 6 SCC 301 and (1996) 8 SCC 637.



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For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader

ORDER

The petitioner herein had given a representation to the second respondent on 27.08.2018, seeking for fixing his seniority from the date of his selection dated 06.12.1999, as per the law laid down by the Hon'ble Supreme Court in the case of ***Chairman, Puri Gramya Bank and another Vs. Ananda Chandra Das and Others*** reported in ***(1994) 6 SCC 301*** and in the case of ***Pilla Sitaram Patrudu and Others*** reported in ***(1996) 8 SCC 637***. 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



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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 second respondent herein to consider the petitioner's representation dated 27.08.2018, as per the law laid down by the Hon'ble Supreme Court in the case of **Chairman, Puri Gramya Bank and another Vs. Ananda Chandra Das and Others** reported in **(1994) 6 SCC 301** and in the case of **Pilla Sitaram Patrudu and Others** reported in **(1996) 8 SCC 637** and pass appropriate orders in accordance with law, within a period of eight (8) 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.

4. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

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vsm

To

- 1.The Principal Secretary to Government,
Environment and Forest Department,
Secretariat,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
Head of Forest Force,
No.1, Genius Road,
Saidapet, Chennai – 600 015.

Order made in
W.P.(MD) No.4707 of 2019

Dated:
02.08.2022