



WP(MD)No.16163 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

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

W.P.(MD)No.16163 of 2022

K.Geetha

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Secretary,
Highways Department,
Secretariat,
Chennai-9.

2.The Director General (Highways),
Highways Department,
Sardar Patel Road, HRS Campus,
Guindy,
Chennai-25.

3.The Tamil Nadu Public Service Commission,
Represented by its Secretary,
TNPSC Road,
Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner request in question of delay, laches, acquiescence and accrued right in



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terms of judgment rendered in K.Raja Vs. Addl. Chief Secretary to Government reported in 2019 (6) CTC 750 based on the petitioner's representation with regard to seniority, dated 16.10.2020, and thus render justice.

For Petitioner : Mr.Raja.Karthikeyan
For R-1 & R-2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R-3 : Mr.J.Anand Kumar
Standing Counsel

ORDER

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 16.10.2020 seeking to consider the petitioner's request in question of delay, laches, acquiescence and accrued right in terms of judgment rendered in K.Raja Vs. Addl. Chief Secretary to Government reported in 2019 (6) CTC 750. Since the said representation was not considered, the present Writ Petition has been filed.



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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 first and second respondents herein to consider the petitioner's representation dated 16.10.2020 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 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.



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Index : Yes / No

Internet : Yes / No

btr

To

- 1.The Secretary,
The Government of Tamil Nadu,
Highways Department,
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Chennai-9.
- 2.The Director General (Highways),
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Guindy,
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- 3.The Secretary,
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M.S.RAMESH, J.

btr

Order made in
W.P.(MD)No.16163 of 2022

Dated:
25.07.2022