



WP(MD)No.16250 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.16250 of 2022

and

W.M.P(MD)No.11743 of 2022

M.Ravi

... Petitioner

/vs./

1.The Secretary to Government,
Municipal Administrative &
Water Supply Department,
Chennai-9.

2.The Commissioner of Municipal Administration,
Chennai-600 028.

3.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to effect promotion to the petitioner in the post of Assistant Executive Engineer in Solid Waste management by considering the qualification of the petitioner as on in the year 2012 in Tirunelveli Municipal Corporation.



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For Petitioner : Mr.G.Prabhu Rajadurai
For R-1 & R-2 : Mr.G.Suriyananth
Additional Government Pleader
For R-3 : Mr.A.Sivanupandian
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 third respondent on 30.01.2020 seeking to effect promotion to him in the post of Assistant Executive Engineer in Solid Waste management by considering the qualification of the petitioner as on in the year 2012 in Tirunelveli Municipal Corporation. 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



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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 concerned respondent herein to consider the petitioner's representation dated 30.01.2020 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.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

25.07.2022



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Index : Yes / No

Internet : Yes / No

btr

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M.S.RAMESH, J.

btr

Order made in
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