



W.P.(MD).No.16778 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.16778 of 2020

S.V.Shreeram

... Petitioner

Vs.

1.Tamil Nadu Public Service Commission,
Represented by its Secretary,
Government Estate,
Chepauk,
Chennai.

2.The Secretary to Government,
Department of Rural Development and Panchayat,
Ezhilagam,
Chepauk,
Chennai.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 29.05.2020 and pass orders on merits re-fixing the seniority of the petitioner in the post of Junior Assistant in General category from the original date of appointment i.e., from 18.01.2010 and pay all service and monetary benefits within the time fixed by this Court.



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For Petitioner : Mr.H.Arumugam
For R-1 : Mr.J.Anand Kumar,
Standing Counsel.
For R-2 and R-3 : Mr.R.Ragavendran,
Government Advocate.

ORDER

The petitioner herein had given a representation to the second and third respondents on 29.05.2020 seeking for re-fixation of the seniority of the petitioner in the post of Junior Assistant in general category from the original date of appointment i.e., from 18.01.2010 and to pay all service and monetary benefits. 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.



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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 29.05.2020, on its own merits 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. There shall be no order as to costs.

27.07.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

1.The Secretary,
Tamil Nadu Public Service Commission,
Government Estate,
Chepauk, Chennai.

2.The Secretary to Government,
Department of Rural Development and Panchayat,
Ezhilagam,
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3.The District Collector,
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M.S.RAMESH, J.

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