



WP(MD)No.18373 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.18373 of 2022

P.Sam Arulraj

... Petitioner

/vs./

1.The Secretary to Government,
Panchayat Raj&Rural Development Department,
Fort.St.George,CHennai.

2.The Director of Panchayat Raj&
Rural Development Department,
O/o., The Director of Panchayat Raj & Rural
Department,
Panagal Buildings, Chennai.

3.The District Collector,
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re-fix the petitioner seniority on par with his junior one S.Arumuga Nainar and thereby direct them to promote him to the post of Assistant and Deputy Block Development Officer notionally with effect from the year 2003 and 2008 respectfully in the light of G.O.(2D)No.56, Rural Development & Panchayat Raj (E7) Department, dated



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17.06.2013 and provide him monetary benefits and enhanced pension based on the petitioner's representation dated 17.03.2020 and reminder representation dated 06.10.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

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 06.10.2020 seeking for re-fixation of his seniority on par with his junior. 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 respondents herein to consider the petitioner's representation dated 06.10.2020 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 respondents to consider the same on its own merits.

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

12.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

Rmk

To

- 1.The Secretary to Government,
Panchayat Raj&Rural Development Department,
Fort.St.George,Chennai.
- 2.The Director of Panchayat Raj&
Rural Development Department,
O/o., The Director of Panchayat Raj & Rural
Department,
Panagal Buildings, Chennai.
- 3.The District Collector,
Tirunelveli District, Tirunelveli.

Order made in
W.P.(MD) No.18373 of 2022

Dated:
12.08.2022