



W.P.(MD).No.18345 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18345 of 2022

A.Kannan

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

2.The Additional Commissioner (Administration),
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai – 600 034.

3.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy District.

4.The Assistant Commissioner,
Hindu Religious and Charitable Endowment Department,
Trichy District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to forward the petitioner's service register along with necessary records in



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appropriate form to the second respondent, pursuant to the proceedings in Na.Ka.No.27976/2022/L3 dated 31.05.2022 on the file of the second respondent, for inclusion of petitioner's name in the promotion panel for the year 2022-2023 to the post of Executive Officer Grade-II, grant promotion to the petitioner, based on the seniority in the panel of the year 2022-2023, to the post of Executive Officer Grade-II, considering the petitioner's representation dated 16.07.2022.

For Petitioner : Mr.AN.Ramanathan
For Respondents : Mr.M.Lingadurai,
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 16.07.2022 seeking for inclusion of his name in the promotion panel for the year 2022-2023 to the post of Executive Officer Grade-II. 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 first respondent herein to consider the petitioner's representation, dated 16.07.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

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

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Index : Yes / No
Internet : Yes/ No
Lm/Rmk



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M.S.RAMESH, J.

Lm/Rmk

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