



W.P.(MD) No.20244 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20244 of 2022

A.Kannan

... Petitioner

Vs.

1.The Additional Chief Secretary,
Transport Department,
Secretariat,
Chennai.

2.The Managing Director,
TNSTC (MDU) Ltd,
Corporate Office,
Madurai Division,
Bye Pass Road,
Madurai.

3.The General Manager,
TNSTC (MDU) Ltd.,
Bye Pass Road, Collectorate (Post),
Dindigul-624 004.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 20.07.2022 seeking to notionally promote him



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as Senior Assistant Engineer with effect from 12.03.2001 and consequently, notionally promote him as Assistant Manager and Deputy Manager with effect from 17.12.2012 and 30.03.2020 respectively and confer him with all monetary and other attendant benefits and pass suitable orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Natarajan
For R1 : Mrs.D.Farjana Ghowshia
Special Government Pleader
For R2 & R3 : Mr.K.Ramaiah
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 20.07.2022 seeking to notionally promote him as Senior Assistant Engineer with effect from 12.03.2001 and consequently, notionally promote him as



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Assistant Manager and Deputy Manager with effect from 17.12.2012 and 30.03.2020 respectively and confer him with all monetary and other attendant benefits. 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 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 second respondent herein to consider the petitioner's representation dated 20.07.2022 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



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WEB CERN 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.

No costs.

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Index : Yes / No
Speaking Order/ Non Speaking Order

cp

To

The Additional Chief Secretary,
Transport Department,
Secretariat,
Chennai.



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M.S.RAMESH,J.

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