



W.P.No.4553 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4553 of 2023 and WMP No.4556 of 2023

R.Suresh Babu

...Petitioner

Vs

1. The Government of Tamil Nadu
Rep by its Secretary to Government,
and Agricultural Production Commissioner,
Department of Agriculture-Farmers Welfare,
Secretariate, Chennai.

2. The Director,
Department of Agriculture Marketing and Agriculture business,
Guindy, Chennai-32

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and dispose the petitioner's representations dated 07.12.2022 and 13.01.2023 and promote the petitioner to the post of Senior Secretary Market Committee as per G.O.Ms.No.96, Agriculture (AM1) Department dated 02.04.2018.



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For Petitioner : Mr.V.Jayaprakash Narayanan

For Respondents : Ms.E.Indhumathi
Government Advocate

ORDER

The petitioner herein had given a representations to the respondents on 07.02.2022 and 13.01.2023 seeking for a direction to promote the petitioner to the post of Senior Secretary Market Committee as per G.O.Ms.No.96, Agriculture (AM1) Department dated 02.04.2018. Since the said representations were 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 first respondent herein to consider the petitioner's representations dated 07.12.2022 and 13.01.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 respondents to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

21.02.2023

Index:Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.

SR

To

1. The Secretary to Government,
Government of Tamil Nadu
and Agricultural Production Commissioner,
Department of Agriculture-Farmers Welfare,
Secretariate, Chennai.
2. The Director,
Department of Agriculture Marketing and Agriculture business,
Guindy, Chennai-32

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