



W.P.No.5078 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5078 of 2023

B.Prabakaran

...Petitioner

Vs

1.The Secretary to Government,
Department of Highways and Minor Ports,
Secretariat, Chennai – 600 009.

2.The Director General [Highways],
Department of Highways,
Guindy, Chennai – 600 032.

3.The Chief Engineer
[Construction and Maintenance],
Department of Highways,
Guindy, Chennai – 600 032.

...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 24.12.2021 in the light of the judgments passed by this Court in W.P.(MD).No.69 of 2010 dated 22.04.2010, W.P.(MD).No.3642 of 2011 dated 15.02.2017 & W.P.(MD).No.13354 & 13355 of 2013 dated 06.12.2018 to revise



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petitioner appointment as Junior Assistant with effect from 22.02.1996 further to provide subsequent promotion by taking into account of the service rendered by the petitioner in the cadre of Record Clerk with effect from 01.03.1996 as Junior Assistant with effect from 22.02.1996 further to provide subsequent promotion by taking into account of the service rendered by the petitioner in the cadre of Record clerk with effect from 01.03.1996 as Junior Assistant and to extend the monetary and other attendant benefits within a time limit stipulated by this Court.

For Petitioner : Mr.K.V.Dhanapalan

For Respondents : Mr.V.Stalin Abhimanyu
Additional Government Pleader

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the second respondent on 24.12.2021 seeking for a direction to revise his appointment as Junior Assistant with effect from the date of his initial appointment. Since the said representation was not considered, the present writ petition has been filed.



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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 24.12.2021 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 concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

hvk

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

22.02.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Secretary to Government,
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Guindy, Chennai – 600 032.
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