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W.P.No.5116 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5116 of 2023
and W.M.P.No.5124 of 2023

S. Balakrishnan

... Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 9.

2.Director,

Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai – 15.

3.District Collector,

Kancheepuram District,
Kancheepuram.

4.District Collector,

Chengalpattu District,
Chengalpattu.

Respondents

...

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent



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herein to publish a revised Seniority list of Assistants as on 01.01.2018 for the composite Kancheepuram District in accordance with the instructions issued in Govt. Lr.No.20278/Pa.A4/2017-1 dated 21.12.2017 and restrain the respondents 3 and 4 herein from publishing panel of Assistants fit for promotion to the post of Deputy Block Development Officer for the year 2023-24 till the revision of seniority of Assistants in accordance with the Rules and Govt instructions.

For Petitioner : Mr.V.R. Rajasekaran

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 representations to the third respondent on 27.12.2019 and 15.03.2022, seeking for revision of the seniority list in accordance with the Rules and Act. Since the said representations were 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 the 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 third respondent herein, to consider the petitioner's representations dated 27.12.2019 and 15.03.2022, 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 respondents to consider the same on its own merits.



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M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

22.02.2023

Speaking/Non-speaking Order

Index: Yes/No

Neutral Citation: Yes/No

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To

1. Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 9.
2. Director,
Commissionerate of Rural Development and Panchayat Raj,
Panagal Building, Chennai – 15.
3. District Collector,
Kancheepuram District, Kancheepuram.
4. District Collector,
Chengalpattu District, Chengalpattu.

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