



WEB COPY



W.P.No.6230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6230 of 2023
and W.M.P.No.6245 of 2023

T.Jayanthi Mala

...Petitioner

Vs

1.The Chairman,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai – 600 005.

2.The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5 Kamarajar Salai, Chennai – 600 005.

3.The Secretary to Government of Tamil Nadu,
Housing and Urban Development,
Fort St. George, Chennai – 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the approved list of Assistant Executive Engineer for the purpose of promotion to the post of Executive Engineer in the respondents board in terms of respondents Engineering Services Rules 1972.



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For Petitioner : Mr.G.Ravisankar

For Respondents : Mr.M.S.Karthikeyan

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 17.10.2022, seeking for inclusion of his name in the approved list of Assistant Executive Engineer for the purpose of promotion to the post of Executive Engineer in the respondents Board, in terms of Respondents Engineering Services Rules, 1972. Since the said representation was not considered, this 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



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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 17.10.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 ordered. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2023

Index: Yes/No
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M.S.RAMESH,J.

hvk

To

- 1.The Chairman,
Tamil Nadu Urban Habitat Development Board,
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Chennai – 600 005.
- 2.The Managing Director,
Tamil Nadu Urban Habitat Development Board,
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