



WEB COPY



W.P.No.5798 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5798 of 2023

and

W.M.P.No.5787 of 2023

G.Duraibabu

...Petitioner

Vs

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai, 10th Floor,
144, Anna Salai, Chennai – 600 002.

2.The Chief Engineer (Personnel)
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
NPKRR Maaligai, 10th Floor,
144, Anna Salai, Chennai – 600 002.

...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 2019 panel for promotion to the post of Assistant in accordance with seniority and eligibility within the estimated vacancies of the panel year without reference to Board Proceedings in



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(PER) FB TANGEDCO PROCEEDINGS No.18 dated 02.06.2020 and consequently consider the petitioner for promotion to the post of Accounts Supervisor on inclusion of his name in the panel for the year 2022 in consideration of the objection/representation submitted by the petitioner dated 03.02.2023 within a time frame prior to drawing of panel to be fixed by this Court.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.K.Rajkumar,
Government Advocate

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 03.02.2023, seeking for inclusion of his name in the 2019 panel for promotion to the post of Assistant, in accordance with the seniority and eligibility. 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 respondents herein to consider the petitioner's representation dated 03.02.2023, 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 made by the petitioner and that it is open to the respondents to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk

To

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M.S.RAMESH,J.

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