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W.P.No.6064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6064 of 2023
and W.M.P.No.6087 of 2023

G. Murali

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
Planning Development and Special Initiatives Department,
Secretariat, Chennai – 600 009.
- 2.The Director (FAC),
Evaluation and Applied Research Department,
Kuralagam,
Chennai – 600 108.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent and quash the Memo No.195/2/2019-11 dated 05.04.2022 and Memo No.1300/A2/2022-1 dated 01.12.2022, passed by the 2nd respondent herein and direct the respondents to promote the petitioner as Research Assistant from the date of promotion of my his batch mates with all consequential service monetary and other benefits.

For Petitioner : M/s.V. Sudha



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For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

Mr.Stalin Abhimanyu, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given several representations to the second respondent on 20.11.2015, 23.03.2018, 13.10.2022, 28.12.2022 and on 30.12.2022 to the first respondent, seeking to grant him promotion to the post of Research Assistant. Since the said representations were not considered, the present 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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 30.12.2022, 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 concerned respondent to consider the same on its own merits.

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

01.03.2023

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue Order Copy on 15.03.2023

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M.S.RAMESH, J.

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To

- 1.The Additional Chief Secretary to Government,
Planning Development and Special Initiatives Department,
Secretariat, Chennai – 600 009.
- 2.The Director (FAC),
Evaluation and Applied Research Department,
Kuralagam,
Chennai – 600 108.

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