



W.P.No.6413 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.6413 of 2023
and W.M.P.No.6437 of 2023

C.K. Gnanasekaran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Engineer-in-Chief (Buildings),
Public Works Department,
Chepauk,
Chennai – 600 005.

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to implement the order as per G.O.(2D) No.25 dated 17.09.2022 in full and to issue postings in terms of the said G.O.

For Petitioner : Mr.Dural Gunasekaran

For Respondents : Mr.A. Stalin Abhimanyu,
Additional Government Pleader



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ORDER

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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 20.09.2022, seeking for promoting him as an Assistant Executive Engineer. Since the said representation was 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 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.



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4. Since the petitioner is due to retire on 31.03.2023, it would be appropriate to direct the respondents to consider the petitioner's representation before the date of his retirement.

5. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the petitioner's representation dated 20.09.2022 in the light of G.O.(2D) No.25 dated 17.09.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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 first respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of. No costs.

01.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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Note: Issue Order Copy on 03.03.2023



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M.S.RAMESH, J.

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To

- 1.The Principal Secretary of State of Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Engineer-in-Chief (Buildings),
Public Works Department,
Chepauk,
Chennai – 600 005.

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