



WEB COPY



W.P.No.6843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.6843 of 2023

S.Dhamotharan

... Petitioner

VS

1.The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj,
Secretariat, Chennai - 9.

2.The Director/Commissioner,
Rural Development and
Panchayat Raj Department,
Panagal Building, No.1, Saidapet,
Chennai - 600 015.

3.The District Collector,
Theni District, Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to dispose the collective representation dated 20.12.2022 and enquire into the genuineness of relinquishment of promotion opted by the Block Development Officers working in Theni District and frame guideline for



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opting relinquishment under Rule 47 of State and Subordinate Service Rules which is replaced under Section 57 of Tamil Nadu Government Servant [Conditions of Service] Act, 2016, within a time frame.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.D.Ravichander
Special 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 along with similarly placed persons had given a collective representation to the respondents on 20.12.2022, seeking for a direction to enquire into the genuineness of relinquishment of promotion opted by the Block Development Officers in Theni and to frame guidelines for such relinquishment. 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



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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 first respondent herein to consider the representation dated 20.12.2022 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 respondents to consider the same on its own merits.

5. With the above direction, the Writ Petition stands ordered. No costs.

03.03.2023

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

hvk

To

- 1.The Secretary,
Rural Development and Panchayat Raj,
Secretariat, Chennai - 9.
- 2.The Director/Commissioner,
Rural Development and
Panchayat Raj Department,
Panagal Building, No.1, Saidapet,
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