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W.P. No. 9773 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 9773 of 2023

and

W.M.P. No. 9858 of 2023

R. Kripakaran

... Petitioner

-VS-

The Secretary,
Tamil Nadu Legislative Assembly,
Secretariat,
Chennai – 600 009.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to grant promotion to the Petitioner to the post of Section Officer with effect from March 2018 with seniority, arrears with interest and all other attendant benefits.

For Petitioner : Ms. Anna Mathew
for Ms. S.Meenakshi

For Respondent : Mrs. R.Anitha,
Special Government Pleader



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ORDER

Heard Ms. Anna Mathew, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader, who takes notice for the Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner, who is working as Assistant Section Officer in Tamil Nadu Legislative Assembly, is that he had made representation dated 05.12.2022 for grant of promotion to the higher post of Section Officer with effect from March 2018 with seniority, arrears of monetary and other attendant benefits with interest, but as it did not evoke any response, he has filed this Writ Petition.

3. It is represented by Learned Counsel for the Petitioner that the Petitioner would be satisfied if the aforesaid representation dated 05.12.2022 made by him is expeditiously disposed and that he would also make a supplementary representation with further particulars to substantiate the claim made by him.

4. Having regard to the limited nature of relief sought in the Writ Petition,



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this Court without expressing any view on the merits of controversy involved,

passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 05.12.2022 and supplementary representation, if any, made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents are necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 30.06.2023 before the Registrar (Judicial) of the Court.



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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

29.03.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 24.04.2023

To

The Secretary,
Tamil Nadu Legislative Assembly,
Secretariat,
Chennai – 600 009.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai.



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P.D. AUDIKESAVALU, J.

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