



WEB COPY



W.P.No.10619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10619 of 2023 and W.M.P. No.10564 of 2023

S.Jayaradha

... Petitioner

Vs

1. The Deputy Registrar,
Cooperative Societies,
Public Distribution Scheme,
Namakkal District Collector office,
Namakkal District.

2. The President,
S299 Mousi Primary Agricultural Cooperative Society Ltd.,
Mousi – 637210 (A.N)
Thiruchengode Taluk,
Namakkal District.

3. P.Kalaiselvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider the petitioner for promotion to the post of Lower Clerk based on the seniority list, by considering the petitioner's representation dated 15.12.2022.

For Petitioner : Ms.G.Keerthana



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For Respondents : Mr.S.Prabhakaran,
Government Advocate for R1

Mr.R.Balaramesh,
for R3

ORDER

Heard Ms.G.Keerthana, learned counsel for the petitioner,
Mr.S.Prabhakaran, learned Government Advocate for the first respondent
and Mr.R.Balaramesh, learned counsel for the third respondent.

2.The petitioner herein had given a representation to the official
respondents on 15.12.2022 for promotion to the post of Lower Clerk
based on the seniority list. 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 him 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



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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 observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 15.12.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the third respondent also, within a period of eight weeks from the date of receipt of a copy of this order.

5.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 official respondents to consider the same on its own merits.



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M.S.RAMESH,J.

vga

6.With the above direction, the Writ Petition stands disposed of.

Consequently, connected W.M.P. stands closed. No costs.

15.06.2023

Index:Yes/No

Speaking order/Non-speaking order

vga

To

1. The Deputy Registrar,
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Namakkal District Collector office,
Namakkal District.

2. The President,
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