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W.P.No.14186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Writ Petition No.14186 of 2023

K.Sangapillai

...Petitioner

Vs

1. The Secretary to Government of Tamil Nadu
Home (Police XVII) Department,
Fort St.George, Chennai-9.
2. The Director of Fire & Rescue Services,
Egmore, Chennai-8.
3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Pantheon Road, Egmore,
Chennai-8.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to restore seniority to the petitioner at par with those who were selected and appointed as Fireman and sent for training on 22.10.01 and fix his seniority in the cadre of Fireman, based on the marks secured by him in the process of selection made by the 3rd respondent, in the light of the representation made by him dated 26.02.2022 and grant him all consequential service and monetary benefits.



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For Petitioner : Mr.K.Venkataramani
Senior Counsel for
Mr.M.Muthappan

For Respondents : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

Heard Mr.K.Venkataramani, learned Senior Counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Government Advocate for the respondents.

2. The petitioner herein has given a representation to the respondents on 26.02.2022, seeking for a direction to restore seniority to the petitioner at par with those who were selected and appointed as Fireman and sent for training on 22.10.01 and fix his seniority in the cadre of Fireman, based on the marks secured by him in the process of selection made by the 3rd respondent and grant him all consequential service and monetary benefits. 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-



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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 respondents herein to consider the petitioner's representation dated 26.02.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to all the concerned parties. 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 disposed of. No costs.

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

Sr

To

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