



WEB COPY



W.P.No.12718 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12718 of 2018
and
W.M.P.No.14902 of 2018

M.Prabakar

...Petitioner

Vs

1.Additional Chief Secretary to Government,
Home [Transport II] Department,
Fort St. George, Chennai.

2.Principal Secretary/
Transport Commissioner,
Chepauk, Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to include the name of the petitioner in the Panel for Promotion to the post of Joint Transport Commissioner, in Tamil Nadu Transport service issued in G.O.Ms.No.289 Home [Transport II] Department dated 26.04.2018 in between Mr.S.K.M.Sivakumaran and Mr.K.R.Krishnamoorthy i.e. at Sl.No.4A and promote the petitioner as Joint Transport Commissioner, within a time frame.

For Petitioner : Mr.G.Bala



W.P.No.12718 of 2018

WEB COPY

For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER

The petitioner herein had given a representation to the second respondent on 29.04.2018 seeking for a direction to include his name in the panel for Promotion to the post of Joint Transport Commissioner in Tamil Nadu Transport service, issued in G.O.Ms.No.289, Home [Transport II] Department and promote him to the said post. Since the said representation was not considered, the present writ petition has been filed.

2. 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



W.P.No.12718 of 2018

WEB COPY

226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 29.04.2018 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 respondent to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

hvk



WEB COPY



W.P.No.12718 of 2018

M.S.RAMESH,J.

hvk

To

- 1.The Additional Chief Secretary to Government,
Home [Transport II] Department,
Fort St. George, Chennai.
- 2.The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai.

W.P.No.12718 of 2018

12.01.2023