



W.P.No.12924 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.12924 of 2023

P.Prakash

... Petitioner

Vs

1. The Commodore,
Tamil Nadu Medical Unit NCC,
Madras Medical College, Park Town,
Chennai – 3.
2. The Deputy Director General,
NCC Directorate
(Tamilnadu, Puducherry & Andaman – Nicobar)
Fort St. George, Chennai – 9.
3. The Additional Chief Secretary to Government,
Youth Welfare and sports Development Department,
Secretariat, Chennai – 9.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to revise the seniority of the petitioner in the cadre of Junior Assistant for further promotion as Assistant and Superintendent by taking into consideration the date of appointment in the light of the proposal sent by the 1st



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respondent in his Ref.No.1325/2/ESTT/SC/Assts dated 30.03.2023 to the 2nd respondent and promote him as Superintendent with all consequential service and monetary benefits.

For Petitioner : Mr.R.Venkatramani,
Senior Counsel for
Mr.M.Muthappan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

Heard Mr.R.Venkatramani, learned Senior Counsel, representing for Mr.M.Muthappan, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents.

2.The petitioner herein had given a representation to the respondents on 01.12.2022, for rectifying the discrepancy in the seniority. 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



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

4. With the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 01.12.2022, on its own merits and pass appropriate orders in accordance with law, in the light of the proposal dated 30.03.2023, within a period of six 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 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.

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

vga

To

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