



W.P.No.13934 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13934 of 2023

Sri.R.Chandrabose

...Petitioner

Vs

1.The Director of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, Chennai - 600 028.

2.The Commissioner,
Thanjavur City Municipal Corporation,
2979/1, Gandhiji Road, Thanjavur - 631 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to consider the petitioner on the basis of the representation dated 25.01.2023 and panel by the second respondent dated 22.12.2022 and promote the petitioner as Assistant Executive Engineer.

For Petitioner : Mr.M.N.Balakrishnan

For R1 : Mr.S.Rajesh,
Government Advocate

ORDER



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Heard Mr.M.N.Balakrishnan, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate for the first respondent.

2. Since this Court is directing the first respondent to consider the petitioner's representation, no prejudice would be caused to the second respondent and hence, notice to the second respondent is dispensed with.

3. The petitioner herein had given a representation to the respondents on 25.01.2023 seeking for promotion to the post of Assistant Executive Engineer. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.

4. 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 amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution



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

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 25.01.2023 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. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

01.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.The Director of Municipal Administration,
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