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W.P.No.14878 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.14878 of 2023

M.Maruthupandian

...Petitioner

Vs

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The District Revenue Officer,
Nagapattinam District,
Nagapattinam.

3.The Revenue Divisional Officer,
Sirkazhi, Mayiladuthurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders for granting promotion of petitioner to the post of Deputy Tashildar on inclusion of his name in 2017 panel on par with his juniors based on seniority without reference to the date of completion of Revenue Inspector Training, with all consequential benefits, including arrears of salary, in consideration of representation submitted by the



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petitioner dated 16.05.2017, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this Writ Petition is for a direction to the respondents to grant promotion to the petitioner for the post of Deputy Tashildar by including his name in 2017 panel on par with his juniors based on seniority without reference to the date of completion of Revenue Inspector Training, with all consequential benefits, including arrears of salary. In this regard, the petitioner had given a representation to the second respondent on 16.05.2017. The said representation has not been considered till date.



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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 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. Since the representation given by the petitioner dates back to the year 2017, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the first respondent herein, along with a copy of the earlier representation dated 16.05.2017 ventilating his grievances. On receipt of such a representation, the first respondent shall consider it and pass appropriate orders in accordance with law, within a



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period of eight (8) weeks from the date of receipt of the representation. 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 it is open to the concerned respondent to consider it on its own merits.

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

No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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