IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16960 of 2023

P.P.Sumathi ... Petitioner

Vs.

The Secretary to Government,
Commercial Taxes & Registration
Department, St.George Fort,
Secretariat, Chennai–9. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to include the name of the petitioner in the panel for promotion to the post of Assistant Inspector General for the Year 2022 - 2023 as per the judgement reported in 2021 5 MLJ 97 and 2021 SCC Online Mad 9672 and in view of G.O.(2D) No.36 Revenue and Disaster Management Department, Service Wing, Service I Section Dated 14.03.2023 and in the light of Section 7(1) of the Tamil Nadu Government Servants (Condition of Service Act 2016) and consequently promote the Petitioner to the post of Assistant Inspector for the Year 2022 - 2023 without reference to any subsequent proceedings after the crucial date i.e on 01.04.2022.

For Petitioner : Mr.Abdul Saleem, Sr. Counsel

for Mr.T.Dharani
For Respondent : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

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

2. The petitioner seeks a direction to the respondent to include her name in the panel for promotion to the post of Assistant Inspector General for the Year 2022 - 2023 as per the judgement reported in 2021 (5) MLJ 97 and 2021 SCC Online Mad 9672 and in view of G.O.(2D) No.36 Revenue and Disaster Management Department, Service Wing, Service I Section Dated 14.03.2023 and in the light of Section 7(1) of the Tamil Nadu Government Servants (Condition of Service Act 2016) and consequently promote her to the post of Assistant Inspector for the Year 2022-2023 without reference to any subsequent proceedings after the crucial date i.e on 01.04.2022. In this regard, the petitioner had also given a representation dated 23.02.2023 to the respondent. Since the same has not yet been considered, the 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 respondent 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 Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 23.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.

5. With the above direction, the Writ Petition stands disposed of. No costs.

08.06.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

To
The Secretary to Government,
Commercial Taxes & Registration
Department, St.George Fort,
Secretariat, Chennai–9.

RS/HVK

M.S.RAMESH,J.

RS/HVK

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