



W.P.No.43961 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.43961 of 2016

P. Vasuki

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai – 600 032.

2.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai – 600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 14.03.2014 requesting for exemption from passing the departmental test and for promotion as General Assistant in the light of the orders issued by the Government of Tamil Nadu in G.O.Ms.No.1120 P&AR Department dated 30.10.1984 and the communication of the first respondent in Memo No.Pani/Pa.3/10012/14 dated 29.09.2015.

For Petitioner : Mr.P. Rajendran

For Respondents : Mr.Vijayakumar Natarajan



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ORDER

The petitioner herein had given representation dated 21.09.2016, requesting for exemption from passing the departmental tests and to promote her as General Assistant in accordance with G.O.Ms.No.1120 P & AR Department, dated 30.10.1984. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. Since the representation given by the petitioner dates back to the year 2016, it would be appropriate that the petitioner be granted liberty to



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give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating her grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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 that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

10.01.2023

Speaking/Non-speaking order

Neutral Citation: Yes/No

Index: Yes/No

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M.S.RAMESH,J.

Sni

To

- 1.The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai – 600 032.
- 2.The Member Secretary,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai – 600 032.

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