



WEB COPY



W.P.No.18742 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18742 of 2023

P. Sundar

... Petitioner

Vs.

1.The Agriculture Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
Fort St. George, Chennai – 9.

2.The Chief Engineer,
Agricultural Engineering Department,
Nandanam, Chennai – 35.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for revision of the seniority in the cadre of Assistant Executive Engineer, Executive Engineer and Superintending Engineer and further promotion as Chief Engineer in the light of the representation made by the petitioner dated 12.08.2021 with all consequential service and monetary benefits, within a limited time frame.



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For Petitioner : Mr.M. Muthappan

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 petitioner herein has given representation to the first respondent on 12.08.2021, seeking for revision of the seniority in the cadre of Assistant Executive Engineer, Executive Engineer and Superintending Engineer and further promotion as Chief Engineer. He has also given a reminder of his representation on 15.11.2021. Since there was no further progress, 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 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



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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.

4. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the petitioner's representation dated 12.08.2021, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 concerned respondent to consider the same on its own merits.

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

No costs.

27.06.2023

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

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