



WEB COPY



W.P.No.19188 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19188 of 2023

1.D.Pavendiran

2.B.Suriya

3.M.Mohanammal

4.V.Madhanraj

5.A.Archana

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration & Water Supply
Department, Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner of Municipal Administration,
75, Santhome High Road, M.R.C.Nagar,
Rajah Annamalaipuram,
Chennai – 600 028.

3.The Commissioner,
Vellore City Municipal Corporation,
Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the proposal submitted by the 3rd respondent in



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Na.Ka.No.C1/1947/2023 dated 17.04.2023 and consequently pass appropriate orders with amendment to rules to provide avenue of promotion from the post of Office Assistant to the post of Junior Assistant in Corporation Services without reference to service qualification in the post of Record Assistant and pass in Computer Office Automation, in consideration of representation submitted by the petitioners dated 21.03.2023 within a time frame to be fixed by this Court.

For Petitioners : Mr.G.Sankaran
Senior Counsel
for Mr.S.Neduchezhiyan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

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

2. The petitioners herein, through the Office Assistants Association, Vellore Corporation, had given a representation to the third respondent on 21.03.2023, seeking promotion to the post of Junior Assistant. Thereafter, the third respondent had sent a proposal to the second respondent requesting for further action in this issue. Since there was no progress, the present Writ Petition has been filed by the petitioners herein.



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3. It is needless to point out that whenever a representation/proposal 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 it pending indefinitely. As such, non-consideration of the representation/proposal 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. In the light of the above observations, there shall be a direction to the second respondent herein to consider the proposal forwarded by the third respondent dated 17.04.2023 on its own merits and pass appropriate orders on the petitioners' representation dated 21.03.2023, 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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

30.06.2023

Index: Yes/No
Speaking/Non-speaking order
hvk

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration & Water Supply
Department, Secretariat, Fort St. George,
Chennai – 600 009.
2. The Commissioner of Municipal Administration,
75, Santhome High Road, M.R.C.Nagar,
Rajah Annamalaipuram,
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3. The Commissioner,
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