



WEB COPY



W.P.No.19315 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.19315 of 2023

1.P.Moorthi

2.G.Jeeva

... Petitioners

Vs.

1.The Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner of Treasuries and Accounts,
Integrated Complex for Finance Department,
Anna Salai, Amma Complex,
Nandanam, Chennai – 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant one increment i.e. 3% benefit for the promotion to the post of Assistant Accounts Officer, as per the 2nd respondent communication in R.C.No.66418/2016/A3 dated 06.03.2019.

For Petitioners : Mr.P.Kannan Kumar

For Respondents : Mr.S.Prabhakar
Government Advocate



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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 had given representation to the respondents on 29.01.2021 seeking for grant of increment for promotion to the post of Assistant Accounts Officer. Since the said representation was not considered, 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 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 representation within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioners' representation dated 29.01.2021 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 petitioners 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.

30.06.2023

Index: Yes/No
Speaking/Non-speaking order
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M.S.RAMESH,J.

hvk

To

- 1.The Principal Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Treasuries and Accounts,
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