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W.P.No.21992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.21992 of 2023

A.Lakshmanan, (M/66 Yrs),
S/o.Angusamy,
formerly Superintending Engineer,
Agricultural Engineering Department,
Madurai.

Residing at: No.A13, Government Apartments,
Thirumangalam, Anna Nagar West,
Chennai – 40.

... Petitioner

Versus

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, to issue a Writ of Mandamus or any other appropriate Writ or order or Direction in the nature of a Writ, 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 21/12/2017 with all consequential service and monetary benefits, within a limited time frame.



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For Petitioner : Ms.R.Deepika Sonali
For Respondents : Mr.R.Baladhandayutham,
Special Government Pleader

ORDER

This Writ Petition has been filed to direct 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 21.12.2017 with all consequential service and monetary benefits, within a limited time frame.

2.The petitioner herein has given representation to the first respondent on 21.12.2017, seeking for revision of the seniority in the cadre of Assistant Executive Engineer, Executive Engineer and Superintending Engineer and further promotion as Chief Engineer. 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



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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.

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 21.12.2017, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

26.07.2023

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N.SATHISH KUMAR, J.

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Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

To

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and Principal Secretary to Government,
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