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W.P.No.28826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28826 of 2023

Tamil Nadu Highways Skilled Assistants
(Road Inspectors) Association
(Regn.No.127/2011),
133-A Thungavi Post, Madathukulam Taluk,
Tiruppur District, Pin Code – 642 203,
Rep. by General Secretary Mr.C.Gurusamy

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by Additional Chief Secretary,
Highways and Minor Ports Department,
Fort St. George, Chennai – 600 009.

2.The Principal Director General,
Highways Department,
Guindy, Chennai – 600 025.

3.The Chief Engineer (Highways),
Construction and Maintenance Division,
Guindy, Chennai – 600 025.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to take appropriate administrative action for appointing the eligible Skilled



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Assistants Grade-II and Grade-I by transfer as Junior Draughting Officer as stated in the second respondent's communication in Letter No.15085/Nir 5(2)/2021 dated 16.11.2021 and the second respondent's communication to the Government in Letter No.2607/Nir 4(3)/2022 dated 25.03.2022 within a stipulated time.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

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

2. The petitioner herein had given a representation to the respondents on 13.04.2023, seeking for appropriate action to the appoint the eligible Skilled Assistants by transfer as Junior Draughting 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



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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 same within a stipulated time.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's representation in this regard is under consideration.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 13.04.2023 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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.



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M.S.RAMESH,J.

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

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George, Chennai – 600 009.
- 2.The Principal Director General,
Highways Department,
Guindy, Chennai – 600 025.
- 3.The Chief Engineer (Highways),
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