



WEB COPY

W.P.No.28909 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.28909 of 2023

T.Murugesan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by Principal Secretary to Government,
Home (Transport IV) Department,
Fort St. George, Chennai – 600 009.

2. The Transport Commissioner,
Department of Transport,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the representation of the petitioner dated 01.09.2022 seeking notional promotion to the post of Superintendent in the Transport Department and promotion to the post of Motor Vehicle Inspector (Non Technical) in accordance with law since there are no charge memos pending against the petitioner and fully qualified for the promotional posts as per Rule 30(b) read with Annexure - IV of the Tamil Nadu Ministerial Service Rules.



For Petitioner

: Mrs.Nalini Chidambaram
Senior Counsel
For M/s.C.Uma

For Respondents

: Mr.P.Kumaresan,
Additional Advocate General VII,
Assisted by Mr.P.Ganesan,
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 prayer sought for in this Writ Petition is for a direction to the 2nd respondent to to dispose of the representation of the petitioner dated 01.09.2022 seeking notional promotion to the post of Superintendent in the Transport Department and promotion to the post of Motor Vehicle Inspector (Non Technical), since there are no charge memo pending against the petitioner and fully qualified for the promotional posts as per Rule 30(b) read with Annexure - IV of the Tamil Nadu Ministerial Service Rules. Since the said representation was not considered, the petitioner has preferred the



present Writ Petition.

WEB COPY

3. Mr.P.Kumaresan, learned Additional Advocate General appearing on behalf of the respondents on instructions submitted that certain charges were framed against the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 2013. However, the charges came to be dropped on 08.07.2022 and therefore, the Department has sent a proposal to the Government seeking for relaxation and for inclusion of the petitioner's name in the promotional panel. Such submission has been reiterated in the counter affidavit.

4. 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 them 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 same within a stipulated time.



WEB COPY

5. In the light of the submission made by the learned Additional Advocate General, there shall be a direction to the 2nd respondent herein to consider the petitioner's representation dated 01.09.2022, 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.

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

12.12.2023

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order



To

W.P.No.28909 of



1. The Principal Secretary to Government of Tamil Nadu,
Home (Transport IV) Department,
Fort St. George, Chennai – 600 009.
2. The Transport Commissioner,
Department of Transport,
Government of Tamil Nadu,
Chepauk, Chennai – 600 005.



WEB COPY



W.P.No.28909 of

M.S.RAMESH, J.

Jeni

W.P.No.28909 of 2023

12.12.2023