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W.P.No.29597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.No.29597 of 2023**  
**and WMP No.29231 of 2023**

S.Vaithilingam

...Petitioner

-Vs-

1. The Transport Commissioner,  
Chepauk,  
Chennai-600 005.

2. The Joint Transport Commissioner(Administration),  
Office of Transport Commissioner,  
Chepauk,  
Chennai-600 005.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pass orders accepting the temporary relinquishment of promotion to the petitioner to the post of Personal Assistant based on the application submitted by the petitioner through proper channel dated 23.06.2023 and consequently removing the name of the petitioner from the approved panel for promotion to the post of Personal Assistant for the panel year 2022-2023 issued by the 1<sup>st</sup> respondent in Proc.R.No.10396/RA1/2022 (E.O.No.361/2023) dated 09.08.2023.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.P.Ganesan  
Govt.Advocate



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## **ORDER**

Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P.Ganesan, learned Government Advocate for the respondents.

2. The petitioner herein has given a representation to the respondents on 23.06.2023 seeking for a direction to the respondents to accept the temporary relinquishment of promotion to the petitioner to the post of Personal Assistant and also remove the name of the petitioner from the approved panel for promotion to the post of Personal Assistant for the panel year 2022-2023 issued by the first respondent in Proc.R.No.10396/RA1/2022 (E.O.No.361/2023) dated 09.08.2023. 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 the respondent 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



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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 respondents to consider the representation of the petitioner dated 23.06.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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 respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**02.11.2023**

Index: Yes/No  
Internet: Yes/No  
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**M.S.RAMESH,J.**

SR

To

1. The Transport Commissioner,  
Chepauk,  
Chennai-600 005.
2. The Joint Transport Commissioner(Administration),  
Office of Transport Commissioner,  
Chepauk,  
Chennai-600 005.

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