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W.P.No.30851 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30851 of 2022

V.Kumar

...Petitioner

Vs.

The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
VIII Floor, NPKRR Building,
144, Anna Salai,
Chennai-600 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner made on 02.09.2010 and 29.09.2022 and promote the petitioner as junior Engineer (Mechanical) II from on 23.01.1997 along with all other monetary benefits on par with his junior following the judgment made in W.P.No.23202 of 2004 dated 21.07.2009, within a time frame as fixed by this Court.

For Petitioner : Mrs. MF. Shabana
for M/s.MF Shabana and Associates

For Respondent : Mr.K.Rajkumar, Standing Counsel



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondent on 02.09.2010 and 29.09.2022, seeking to promote him as Junior Engineer (Mechanical) II from 23.01.1997 along with all other monetary benefits on par with his junior following the judgment made in W.P.No.23202 of 2004 dated 21.07.2009. Since the said representations were not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representations 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 representations 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.



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4. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representations dated 02.09.2010 and 29.09.2022 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.

5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

21.06.2023

Index:Yes/No

Order: Speaking/Non-speaking

DP

To

The Chief Engineer (Personnel),
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M.S.RAMESH,J.

DP

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