



WEB COPY



W.P.No.31055 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31055 of 2022
and W.M.P.Nos. 30459, 30462 and 30464 of 2022

1. T.D.Ravi
2. R.Chandrababu
3. M.Thangadurai
4. C.Rajendran

... Petitioners

Vs

1. The Additional Chief Secretary to
the Government, Planning Development
and Social Initiatives (ST.2 and E) Dept.,
Secretariat, Chennai-9.
2. The Director (Full Additional Charge),
Department of Evaluation and Applied Research
3rd Floor, Kuralagam, Chennai 600 108.
3. The Secretary,
Tamil Nadu Public Service Commission,
Chennai-3.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records of 2nd Respondent in connection with impugned order passed by Memo No.175/ E and AR / A2 / 2022/Na.Pa.1A dated 22.2.2022 and quash the same and direct the Respondents 1 to 3 to consider the claim of the petitioner for promotion as



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Research Officer by recruitment by transfer of service from the post of Senior Research Assistant and promote them as such and grant them all consequential service and benefits.

For Petitioner : Mr.Venkataramani,
Sr. Counsel
for Mr.M.Muthappan

For Respondents : Mrs.R.Anitha
Special Government Pleader
for RR 1 and 2
: Mr.I.Abrar Md.Abdullah for R-3

* * * * *

ORDER

Heard Mr.Venkataramani, learned senior counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 and 2 and Mr.I.Abrar Md.Abdullah for respondent no.3 and by consent of both sides, the main writ petition is taken up for final disposal.

2. A representation dated 27.05.2022 has been given by the Senior Research Assistants including the petitioner herein to the first respondent to consider their claim for promotion as Research Officer by recruitment by transfer of service from the post of Senior Research Assistant and grant them all



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consequential service benefits. Since the representation was not considered, the petitioner has filed the present writ petition.

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 authority 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 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 herein to consider the representation of the petitioner dated 27.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four 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.



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M.S.RAMESH,J.,

(sra)

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.06.2023

(2/2)

Index:Yes/No

Speaking order/Non-speaking order

sra

To

1. The Additional Chief Secretary to
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and Social Initiatives (ST.2 and E) Dept.,
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