



W.P.No.31792 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.31792 of 2023

B.Selvam

...Petitioner

Vs

1. The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Chennai – 600 009

2. The Commissioner of Municipal Administration
No.75, Santhome High Road
Raja Annamalaipuram
Chennai – 600 028

3. The Commissioner
Tiruchirappalli City Municipal Corporation
Trichy- 620 001

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant promotion to the petitioner to the post of Executive Engineer in the 3rd respondent department with effect from 01.0.2016 and consequently pay the petitioner back wages for the period between 01.06.2016 and



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consequently pay the petitioner back wages for the period between 01.06.2016 till the date of superannuation (30.08.2019) with interest at 18% per annum and further fix terminal benefits to the petitioner in accordance with petitioner's promotion to Executive Engineer and authorize payment of the same with interest at 18% per annum from the date of superannuation 30.08.2019 to till date of actual payment.

For Petitioner : Mr.C.Vigneswaran

For R1 to R5 : Mr.M.Bindran
Additional Government Pleader

ORDER

Heard Mr.C.Vigneswaran, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for respondents 1 and 2.

2. Since this Court is directing the first respondent to consider the petitioner's representation, notice to the third respondent is hereby dispensed with.

3. The petitioner herein had given a representation to the respondents on 11.09.2023 to grant promotion to the post of Executive Engineer and consequently pay terminal benefits with interest and refix



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petitioner's pension in the Promotional post of Executive Engineer. Since the said representation was not considered, the present writ petition has been filed.

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 the India and direct them to consider the same within a stipulated time.

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 11.09.2023, 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 made by



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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.

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Index:Yes/No

Speaking order/Non-speaking order

gpa



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To

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M.S.RAMESH,J.

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