



WEB COPY



W.P.No.32037 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32037 of 2023

K.N.Valarventhan

... Petitioner

Vs.

1.The Secretary
Department of Human Resources Management
Fort St.George, Chennai 600 009.

2.The Principal Secretary
Adi Dravidar & Hill Tribes Welfare Department
Fort St.George, Chennai 600 009.

3.The Commissioner
Directorate of Adi Dravidar Welfare
Chepauk, Chennai - 600 005.

4.The Commissioner
Tamil Nadu State Commission for Scheduled
Caste and Scheduled Tribes, THUDCO, III Floor
No.1, Court Hall, Senatop Road, Teynampet
Chennai 600 018.

5.The Secretary
Tamil Nadu Legislative Assembly
Chennai 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents consider the



W.P.No.32037 of 2023

representation given by the petitioner dated 27.04.2022, 17.04.2023 and 18.04.2023 in the light of G.O.Ms.No.89 dated 28.07.2020.

For Petitioner : Ms.A.Pramila

For Respondents : Mr.M.Alagu Gowtham
Government Advocate - for RR 1 to 5

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given representations to the respondents on 27.04.2022, 17.04.2023 and 18.04.2023, seeking to include his name in the panel for promotion to the post of Assistant or refix his seniority as on 1997 along with arrears and other monetary benefits. Since the said representation has not been considered till date, 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 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



W.P.No.32037 of 2023

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 fifth respondent herein, to consider the petitioner's representations dated 27.04.2022, 17.04.2023 and 18.04.2023 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 stands disposed of. No costs.

08.11.2023

Index:Yes/No
Speaking order/Non-speaking order

KST



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W.P.No.32037 of 2023

M.S.RAMESH,J.

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