



WEB COPY



W.P.No.32332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32332 of 2023

Dr.E. Lakshmanan

... Petitioner

Vs.

- 1.The Secretary,
Government of Tamil Nadu,
TNEB Department,
Fort St. George,
Chennai – 600 009.
- 2.The Chairman cum Managing Director,
TANGEDCO,
10th Floor, NPKRR Maaligai,
144, TNEB Complex, Anna Salai,
Chennai – 600 002.
- 3.The Chief Engineer/Personnel,
TANGEDCO,
8th Floor, NPKRR Maaligai,
144, TNEB Complex, Anna Salai,
Chennai – 600 002.

... Respondents

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



W.P.No.32332 of 2023

consider my representations dated 23.05.2009, 04.04.2016, 16.12.2018, 03.02.2021, 26.08.2023, 02.09.2023, 05.09.2023, 14.09.2023, 15.09.2023 and 29.09.2023; to refix my Inter-se-seniority in accordance with Regulations 89(4)(a), 97(a), read with Schedule V & Schedule II of TNEB Service Regulations and consequently direct the respondents to include my name in the List of Assistant Executive Engineers who are to be considered for the promotion to the post of Executive Engineer/Electrical within such time limit as this Court would deem fit.

For Petitioner : Mr.T. Pushkin Rajkumar

For Respondents : Mr.K. Rajkumar,
Standing Counsel

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 several representations dated 23.05.2009, 04.04.2016, 16.12.2018, 03.02.2021, 26.08.2023, 02.09.2023, 05.09.2023, 14.09.2023, 15.09.2023 and 29.09.2023 to the



W.P.No.32332 of 2023

respondents, seeking for re-fixation of his Inter-se-seniority in accordance with Regulations 89(4)(a), 97(a), read with Schedule V & Schedule II of TNEB Service Regulations and also to include his name in the list of Assistant Executive Engineers who are to be considered for the promotion to the post of Executive Engineer/Electrical. Since the said representations have not been considered till date, 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 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 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 petitioner's representations



W.P.No.32332 of 2023

dated 23.05.2009, 04.04.2016, 16.12.2018, 03.02.2021, 26.08.2023,

02.09.2023, 05.09.2023, 14.09.2023, 15.09.2023 and 29.09.2023, on their

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 concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

15.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni



W.P.No.32332 of 2023

WEB COPY

To

- 1.The Secretary,
Government of Tamil Nadu,
TNEB Department,
Fort St. George,
Chennai – 600 009.
- 2.The Chairman cum Managing Director,
TANGEDCO,
10th Floor, NPKRR Maaligai,
144, TNEB Complex, Anna Salai,
Chennai – 600 002.
- 3.The Chief Engineer/Personnel,
TANGEDCO,
8th Floor, NPKRR Maaligai,
144, TNEB Complex, Anna Salai,
Chennai – 600 002.



WEB COPY



W.P.No.32332 of 2023

M.S.RAMESH,J.

Sni

W.P.No.32332 of 2023

15.11.2023