



WEB COPY



W.P.No.33319 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33319 of 2023

S.Rajesh
S/o.S.V.Sivalingam

...Petitioner

Vs

1. The Director of Municipal Administration
75, Santhome High Road
MRC Nagar,
Raja Annamalaipuram
Chennai-600 028.

2. The Additional Director of Municipal Administration
75, Santhome High Road
MRC Nagar,
Raja Annamalaipuram
Chennai-600 028.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's name for promotion to the post of Assistant Engineer under Rule 3(b) of the Tamil Nadu Municipal Engineering Subordinate Service Rules, 1970, by considering the petitioner's representation dated 06.10.2023.



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For Petitioner : Mr.N.Manoharan
For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

Mr.P.Ganesan, learned Government Advocate accepts notice for the respondents. 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 a representation to the respondents on 06.10.2023, seeking to consider his name for promotion to the post of Assistant Engineer under Rule 3(b) of the Tamil Nadu Municipal Engineering Subordinate Service Rules, 1970. 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



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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 representation dated 06.10.2023, on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

28.11.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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M.S.RAMESH,J.

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