



WEB COPY

W.P.No.34248 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34248 of 2023

P. Muthu

... Petitioner

Vs.

1. The Principal Director,
Highways Department (Construction and Maintenance),
Sardar Vallabhai Patel Road,
Guindy, Chennai – 600 025.
2. The Chief Engineer,
Highways Department,
HRS Campus,
No. 76, Sardhar Patel Road,
Little Mount, Guindy,
Chennai – 600 025.
3. The Superintending Engineer (Construction and Maintenance),
Highways Department,
No.214, Tindivanam Road,
Navakkarai, Tiruvannamalai – 606 202.
4. The Divisional Engineer (Construction and Maintenance),
Highway Department,
Kachirayapalayam Road,
Kalakurichi – 606 202.

... Respondents



Prayer: Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to prepare and publish year wise panel for the post of Assistant Draughtsman as contemplated in Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and G.O.Ms.No.368 (P&AR) Department dated 18.10.1993 and thereby direct the respondents to include the petitioner's name in the panel.

For Petitioner : Mr.A.R.Suresh

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

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

2. The prayer sought for in this Writ Petition is for a direction to the respondents herein to prepare and publish year wise panel for the post of Assistant Draughtsman as contemplated in Section 7 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and G.O.Ms.No.368 (P&AR) Department dated 18.10.1993 and thereby direct the respondent to include the petitioners name in the panel. In this regard, the petitioner had



given a representation to the respondents on 11.08.2023. Since the said representation was not considered, the petitioner has preferred 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 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 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 1st respondent herein to consider the petitioner's representation dated 11.08.2023, 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 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.

11.12.2023

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To

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