



WEB COPY



W.P.Nos.35000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.35000 of 2023

and

W.M.P.No.34955 of 2023

A.Raja

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Tamil Development and Information Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Director,
Information and Public Relations Department,
Secretariat,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondents to pass orders for granting promotion to the post of Joint Director, Information and Public Relations Department, in favour of the petitioner on par with his juniors given promotion as Joint Director as on 16.09.2020, with all consequential and other attendant benefits, including monetary benefits,



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in consideration of representation submitted by the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For R-1 & 2 : Mrs.V.Yamuna Devi
Special 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 petitioner herein has given several representation to the 1st respondent on 26.04.2023, seeking promotion to the post of Joint Director, Information and Public Relations Department, in favour of the petitioner on par with his juniors given promotion as Joint Director as on 16.09.2020, with all consequential and other attendant benefits, including monetary benefits. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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 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 26.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (03) months 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.



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Consequently, the connected Miscellaneous Petition is closed. No costs.

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



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M.S.RAMESH,J.

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