



WEB COPY



W.P.No.35031 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35031 of 2023
and W.M.P.No.34988 of 2023

D. Senthilkumar

... Petitioner

Vs.

1.The Secretary to Government,
Water Resources Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Secretary to Government,
Public Works Department,
Chepauk, Chennai – 600 005.

3.The Principal Chief Engineer/
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai – 600 005.

4.The Chief Engineer,
Water Resources Department,
Trichy Region,
Trichy – 20.

... Respondents

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



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promote the petitioner as Assistant Executive Engineer on par with his junior with effect from 04.08.2023 by considering the proposal submitted by the 4th respondent's proceeding dated 27.09.2023 and grant all consequential benefits.

For Petitioner : Mr.T. Sellapandian

For Respondents : Mr.P. Ganesan,
Government Advocate

ORDER

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

2. The prayer sought for in the present Writ Petition is for a direction to the respondents to promote the petitioner as Assistant Executive Engineer on par with his junior with effect from 04.08.2023, by considering the proposal submitted by the fourth respondent dated 27.09.2023 and grant all consequential benefits. The petitioner has also given a representation dated 08.09.2023 in this regard.



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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 result, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 08.09.2023, in the light of the fourth respondent's proposal dated 27.09.2023 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.



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M.S.RAMESH,J.

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5. Accordingly, the Writ Petition stands disposed of. No costs.

Connected miscellaneous petition is closed.

21.12.2023

Index:Yes/No

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To

- 1.The Secretary to Government,
Water Resources Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Secretary to Government,
Public Works Department,
Chepauk, Chennai – 600 005.
- 3.The Principal Chief Engineer/
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai – 600 005.
- 4.The Chief Engineer,
Water Resources Department,
Trichy Region, Trichy – 20.

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