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W.P.Nos.35427 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.35427 of 2023

K.Vijayan

... Petitioner

Vs.

1.The Director General,
Highways Department,
Chennai – 600 025.

2.The Chief Engineer,
Highways Department,
Chennai – 600 025.

3.The Superintendent Engineer,
Highways Department,
Salem – 636 302.

4.The Divisional Engineer
Highways Department,
Namakkal – 637 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 4th respondent to consider the representation dated 03.11.2023 made by the petitioner to the 4th respondent and direct the 4th respondent to pass appropriate



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orders to include the petitioner's name for promotion to the post of Road Inspector Grade-II based on the seniority list issued by the 4th respondent vide his proceedings No. 52/ 2023/ A5 dated 31.08.2023, within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

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 4th respondent on 03.11.2023, seeking to include the petitioner's name for promotion to the post of Road Inspector Grade-II based on the seniority list issued by the 4th respondent vide his proceedings No. 52/ 2023/ A5 dated 31.08.2023. 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



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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 4th respondent herein, to consider the petitioner's representation dated 03.11.2023, 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.

No costs.



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Index:Yes/No

Speaking order/Non-speaking order
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M.S.RAMESH,J.

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