



WEB COPY



W.P.No.35864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35864 of 2023

A.Sadheesh

... Petitioner

Vs.

1.Government of Tamil Nadu represented by its Secretary
Commercial Taxes and Registration (F 1) Department.
Fort St. George, Chennai 600 009.

2.The Principal Secretary/Commissioner of Commercial Taxes,
Government of Tamilnadu, Ezhilagam,
Chepauk, Chennai – 05.

3.The Joint Commissioner (ST) (Territorial),
I Floor, Integrated Commercial Taxes Building,
Pitchards road,
Hasthampatty,
Salem – 636007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent through proper channel on 23.11.2023 with a request to include the petitioner's name in the panel fit for promotion/Upgradation to the Post of Deputy Commercial Tax Officers for the years 2023, and give promotion accordingly and with all consequential benefits and in accordance with law within a time to be



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stipulated by this Honourable Court.

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For Petitioners : Mr.P.Ganesan

For Respondent : Mr.P.Ganesan
Government Advocate

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 has given a representation to the second respondent on 23.11.2023, seeking to include the petitioner's name in the panel fit for promotion/Upgradation to the Post of Deputy Commercial Tax Officers for the years 2023, and give promotion accordingly and with all consequential benefits and in accordance with law. 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-



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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 second respondent herein, to consider the petitioner's representation dated 23.11.2023, on its own merits 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.

5. With the above direction, this Writ Petition stands disposed of. No costs.

22.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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