



W.P.(MD).No.19955 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.19955 of 2023**

Bagavathi

... Petitioner

Vs.

1.The Secretary,  
Tamil Nadu Highways Department,  
Secretariat,  
Chennai.

2.The Director General,  
Tamil Nadu Highways Department,  
Chennai.

3.The Divisional Engineer,  
Highways Department (M&C),  
Dindigul Division,  
Dindigul.

4.The Divisional Engineer (NH),  
Highways Department (M&C),  
Palani Division,  
Palani.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third and fourth respondents to consider petitioner for being promoted as Road Inspector Grade-



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II with all monetary and service benefits with effect from the year 2008 on the basis of petitioner's representation, dated 01.10.2022.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.P.Thambidurai  
Government Advocate

### **ORDER**

The present writ petition has been filed seeking direction to the third and fourth respondents to consider the petitioner for being promoted as Road Inspector Grade-II with all monetary and service benefits with effect from the year 2008 on the basis of petitioner's representation, dated 01.10.2022.

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

3. The petitioner is employed as a Gang Mazdoor in the Highways Department, Palani Division. Thereafter, he was appointed as permanent employee and was serving as a Trainee Gang Mazdoor in Palani Sub Division, Dindigul Division of the Highways Department. While so, the third respondent by his proceedings, dated 07.09.2002 terminated him from service along with



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other members. On 11.02.2006, the third respondent reinstated the petitioner in the designation of Gang Mazdoor and his services were regularised including his termination period and he was paid salary for six months and the service records reflect his date of appointment as 06.11.1997. On 16.09.2008, when the third respondent prepared the approved candidate list for promotion to the post of Road Inspector Grade-II from the post of Gang Mazdoor, the petitioner's name was omitted and his name was not included in the list. Hence, he made a representation, dated 01.10.2022 to consider him for being promoted as Road Inspector Grade-II along with all monetary and service benefits with effect from the year 2008. However, the same was not considered. Hence, this writ petition came to be filed.

4. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. Without going into the merits of this case, this Court hereby directs the respondents to consider the representation of the petitioner, dated 01.10.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above said observation, this writ petition stands disposed of.  
There shall be no order as to costs.

**17.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
BTR

To

1.The Secretary,  
Tamil Nadu Highways Department,  
Secretariat,  
Chennai.

2.The Director General,  
Tamil Nadu Highways Department,  
Chennai.



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3.The Divisional Engineer,  
Highways Department (M&C),  
Dindigul Division,  
Dindigul.

4.The Divisional Engineer (NH),  
Highways Department (M&C),  
Palani Division,  
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**L.VICTORIA GOWRI, J.**

BTR

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