



W.P.(MD).No.21670 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21670 of 2023

AL.Vairavan

... Petitioner

Vs

The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai 600 034.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to include the name of the petitioner in the approved list 2023-2024 for the promotion to post of Grade I Executive Officer, on considering the petitioner's representation, dated 12.08.2023 within time stipulated by this Court.

For Petitioner : Mr.G.Mathavan

For Respondent : Mr.S.Kameswaran
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the respondent to include the name of the petitioner in the approved list 2023-2024 for the promotion to post of Grade I Executive Officer, on considering the petitioner's representation, dated 12.08.2023 within time stipulated by this Court.

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

3.Heard, Mr.G.Mathavan, learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondent. Perused the materials on record.

4.(i).The petitioner was appointed as Junior Assistant in the respondent Office and joined in service on 15.02.1993. During the year 2014, a charge memo was issued to the petitioner and a full fledged enquiry was



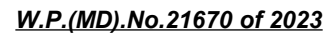
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conducted. On receipt of the enquiry report, final order of punishment of censure vide proceedings, dated 26.07.2023 was imposed against the petitioner.

(ii).Assailing the said order of punishment, the petitioner has filed an appeal before the Secretary to the Government and the same is pending.

(iii)In the meanwhile, without considering the rules, the respondent issued eligible list of candidates for promotion for the year 2021-22, 2022-23 and 2023-24, in which, the petitioner's name was not found for the reason that he was awarded with punishment of censure. The punishment of censure is not at all a bar to include the name of the petitioner in the promotion panel. Therefore, the petitioner has given a representation to the respondent on 12.08.2023, to include his name in the promotion panel for the year 2023-24 and the same was not considered. Hence, this writ petition came to be filed.

5. 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its



6. It is made clear that without going into the merits of this case, this Court hereby direct the respondent to consider the representation of the petitioner, dated 12.08.2023 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.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

07.09.2023

To

The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Chennai 034.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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