



W.P.(MD).No.5067 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.5067 of 2024

M.Kannan

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Revenue and Disaster Management
Department,
Fort St. George, Secretariat,
Chennai.
- 2.The Additional Chief Secretary /
Commissioner of Revenue
Administration,
Revenue Administration and
Disaster Management,
Commissionerate of Revenue
Administration,
Ezhilagam, Chepauk,
Chennai-5.
- 3.The District Collector,
Sivagangai District,
Sivagangai.



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4. The District Revenue Officer,
Sivagangai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein suitably directed to refix petitioner seniority and place above Tmt. Latha immediate Junior by including petitioner name in the promotional panel 2012 prepared for the post of Senior Revenue Inspector instead of 2016 by considering the proposal submitted by the 3rd respondent in Na.Ka.A2/123069/2022, dated 29.12.2023, within the time limit fixed by this Court.

For Petitioner : Mr.A.L.Kannan

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

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

2. The present writ petition has been filed seeking direction to the respondents 1 and 2 herein to refix petitioner seniority and place above Tmt.



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Latha immediate Junior by including petitioner name in the promotional panel 2012 prepared for the post of Senior Revenue Inspector instead of 2016 by considering the proposal submitted by the 3rd respondent, dated 29.12.2023.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner is serving as a Senior Revenue Inspector, in the office of Special Tahsildhar (ADW), Sivagangai. He was regularized in the post of Junior Assistant with effect from 14.08.2008, vide proceedings dated 11.01.2016. Hence, he has become eligible to be included in the promotional panel 2012 prepared for the post of Senior Revenue Inspector. The petitioner was promoted on 27.06.2016. However, his early request seeking to regularize his seniority was not considered. Hence, he made a detailed written representation dated 30.09.2016. On the basis of which, the 1st respondent has sent recommendation to consider the petitioner's representation dated 30.09.2016 to the 2nd respondent. The 3rd respondent has forwarded the representation of the petitioner dated 30.09.2016 to the 2nd respondent for consideration, vide proceedings dated 29.12.2023. However, the same was not



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acted upon by the respondents. Hence, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Carefully perused the materials available on record.

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 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.

6. Without going into the merits of this case, this Court hereby direct the 2nd respondent to act upon the recommendation made by the 3rd respondent and



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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.

7. Accordingly, this Writ Petition stands disposed of. No costs.

04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Additional Chief Secretary,
Revenue and Disaster Management
Department,
Fort St. George, Secretariat,
Chennai.

2.The Additional Chief Secretary /
Commissioner of Revenue
Administration,
Revenue Administration and
Disaster Management,
Commissionerate of Revenue
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Ezhilagam, Chepauk,
Chennai-5.



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3.The District Collector,
Sivagangai District,
Sivagangai.

4.The District Revenue Officer,
Sivagangai,
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L.VICTORIA GOWRI, J.

Sml

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