



W.P.(MD).No.5115 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 05.03.2024**

**CORAM**

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

**W.P.(MD).No.5115 of 2024**

G.Sivathanulingam

... Petitioner

Vs

1. The District Collector,  
Kanyakumari District,  
@ Nagercoil.

2. The Assistant Director of Panchayat,  
Nagercoil, Kanyakumari 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 to grant notional promotion to the petitioner to the post of Junior Assistant and sanction all monetary and service benefits including the revision of pension and arrears by considering petitioner's representation, dated 26.12.2023.

For Petitioner : Mr. A.Mohan

For Respondents : Mr.J.John Rajadurai  
Government Advocate



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## **ORDER**

The present writ petition has been filed seeking a direction to the respondents to grant notional promotion to the petitioner to the post of Junior Assistant and sanction all monetary and service benefits including the revision of pension and arrears by considering petitioner's representation, dated 26.12.2023.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.The petitioner was initially appointed by the Divisional Development Officer, Nagercoil on 22.02.1982 as Temporary Radio Helper in Radio Supervisor, Nagercoil. Thereafter, he was regularized on 03.07.1997



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w.e.f. 26.02.1987 and after attaining the age of superannuation, he retired from service on 30.06.2016.

(ii).While in service, after regularization, on 03.08.1998, he approached the 1<sup>st</sup> respondent seeking for promotion and transfer and the same was replied by the 1<sup>st</sup> respondent that there was no vacancy during that period. Again on 21.01.2000, the petitioner made another representation to the 1<sup>st</sup> respondent and the same was also replied by the 1<sup>st</sup> respondent in similar lines. Thereafter, on 30.06.2000, he made another representation to the 1<sup>st</sup> respondent and the 1<sup>st</sup> respondent vide communication, dated 30.09.2000 had sought the Department of Rural Development, Chennai to give their response regarding his request for promotion.

(iii).In the meanwhile, the petitioner came to know that there were vacancies in the post of Junior Assistant in the 2<sup>nd</sup> respondent office. In this regard, the petitioner made a representation and the same was not considered by the 1<sup>st</sup> respondent. But, his juniors V.Ramamoorthy and A.Yesudhasan were given promotion and their salary have been refixed by the second respondent. However, the respondents have not considered the petitioner for promotion till his superannuation. Therefore, the petitioner made yet another representation on 26.12.2023 to the 1<sup>st</sup> respondent requesting to grant promotion and refix his



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salary and pension 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 respondents 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 the respondents to consider the same within a stipulated time.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the 1<sup>st</sup> respondent to consider the representation of the petitioner, dated 26.12.2023 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.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

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NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
**PNM**

To

1. The District Collector,  
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@ Nagercoil.
2. The Assistant Director of Panchayat,  
Nagercoil, Kanyakumari District.



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**L.VICTORIA GOWRI, J.**

PNM

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