



W.P(MD)No.4992 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.4992 of 2024

1.D.Ravichandar

2.K.Ganesan

3.D.Selvaraj

4.M.Meenakshi Sundaram

5.P.Kannadasan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Planning, Development and Special Initiatives Department,
Secretariat, St.George Fort,
Chennai.

2.The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai-600 009.

3.The Director,
Department of Economics and Statistics,
DMS Compound, Teynampet,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent



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herein to consider the petitioners' representation, dated 26.02.2024, 27.02.2024 and 28.02.2024 while considering the proposal, dated 30.12.2021 forwarded by the 3rd respondent to the 2nd respondent and consequently provide the petitioner opportunity of being heard and pass appropriate order after hearing the petitioners within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

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

ORDER

The present writ petition has been filed seeking direction to the 2nd respondent herein to consider the petitioners' representation, dated 26.02.2024, 27.02.2024 and 28.02.2024 while considering the proposal, dated 30.12.2021 forwarded by the 3rd respondent to the 2nd respondent and consequently provide the petitioner opportunity of being heard and pass appropriate order after hearing the petitioners within the period that may be 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.



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3. The petitioners are working as Statistical Officers. They were initially appointed as Assistant Statistical Investigators and were promoted as Statistical Inspectors. Presently, they are working as Statistical Officers. They are working in the Technical department and qualified in UG in Maths, Statistics or Economics and the said department is purely technical. For the ministerial staffs in the department of Statistics for being posted to the post of Assistant Statistical Investigator through recruitment by transfer from the post of Assistant, one should be qualified either in Maths, Statistics or Economics. While so, the ministerial staffs in the department of Statistics made a claim by virtue of G.O.Ms.No.8 Planning Development and Special Initiatives (ST.3) Department, dated 31.01.2013 that, the promotional avenue to the ministerial non-technical staffs in Statistical department has been taken away. While so, the 3rd respondent had sent a proposal to create new posts on 30.12.2021 relating to the conversion of 52 posts as promotional posts for ministerial staffs (non-technical) serving at department of Economics and Statistics. In this regard, a writ petition in W.P.No.36086 of 2023 was filed before this Court to consider the aforesaid proposal pending before the 2nd respondent for conversion of posts. This Court by an order, dated 04.01.2024 disposed off the said writ petition, directing the 2nd respondent to consider the said proposal and pass appropriate orders. Hence, the petitioner submitted a representation on



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26.02.2024 and 27.02.2024 requesting them to consider the proposal as directed by this Court in W.P.No.36086 of 2023 with respect to the conversion of 52 posts as administrative posts for the ministerial staffs serving at the department of Statistics and Economics. The petitioner should also be heard and thereafter, appropriate orders may be passed. Since the representations were not considered, 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.

5. Without going into the merits of the case, this Court hereby direct the 2nd respondent to consider the representations of the petitioner, dated 26.02.2024, 27.02.2024 and pass orders on merits, in accordance with law after giving opportunity of hearing to the petitioners, with respect to the proposal,



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dated 30.12.2021. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

04.03.2024

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

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To

- 1.The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Planning, Development and Special Initiatives Department,
Secretariat, St.George Fort,
Chennai.
- 2.The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai-600 009.
- 3.The Director,
Department of Economics and Statistics,
DMS Compound, Teynampet,
Chennai-600 006.



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L.VICTORIA GOWRI, J.

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