



W.P.(MD).No.6334 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

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

**W.P.(MD).No.6334 of 2024**

P.Senthil Kumar

... Petitioner

Vs.

1.The Director,  
Survey and Land Records Department,  
Survey House,  
Chepauk, Chennai-600 005.

2.The Assistant Director of Survey and Land Records,  
District Survey Office,  
Collectorate, Theni.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation, dated 07.07.2023 seeking re-fixation of seniority on par with his juniors and to include petitioner's name in the list of Junior Assistants fit for promotion to the post of Assistant for the year 2015 more particularly within a time frame as may be stipulated by this Court.

For Petitioner : Mr.J.Pooventherarajan

For Respondents : Mr.C.Baskaran  
Government Advocate



W.P.(MD).No.6334 of 2024

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### **ORDER**

The present writ petition has been filed seeking direction to the first respondent to consider and pass orders on the petitioner's representation, dated 07.07.2023 seeking re-fixation of seniority on par with his juniors and to include petitioner's name in the list of Junior Assistants fit for promotion to the post of Assistant for the year 2015 more particularly within a time frame as 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.

3. The petitioner was recruited through Tamil Nadu Public Service Commission and appointed as Junior Assistant in the Survey and Land Record Department by the proceedings of the 1<sup>st</sup> respondent, dated 26.04.2012. He joined as Junior Assistant with effect from 22.05.2012 and his service was regularized with effect from 22.05.2012 and his probation was declared from 02.07.2014. He is a 100% physically challenged person and he is not transferred with any promotion till date on par with the individuals who were appointed with him. Hence, the petitioner made a representation on 07.07.2023



W.P.(MD).No.6334 of 2024

to the 1<sup>st</sup> respondent through the 2<sup>nd</sup> respondent to promote and refix his seniority on par with his junior. The 2<sup>nd</sup> respondent has already sent a proposal recommending the case of the petitioner for promotion to the 1<sup>st</sup> respondent vide proceedings, dated 29.01.2024. Despite the same, the petitioner's case for promotion was not considered. However, the same was not considered.

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 this case, this Court directs the respondents to consider the representation of the petitioner, dated 07.07.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.



W.P.(MD).No.6334 of 2024

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

**15.03.2024**

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

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To

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Chepauk, Chennai-600 005.
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**W.P.(MD).No.6334 of 2024**

**L.VICTORIA GOWRI, J.**

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