



W.P.(MD)No.10957 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.10957 of 2024

Mahaboob Basha

... Petitioner

vs.

1.State of Tamil Nadu,
represented by
The Principal Secretary,
Revenue and Disaster Management Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Additional Chief Secretary/
The Commissioner of Revenue Administration,
Commissionerate of Revenue Administration,
Ezhilagam, Chennai - 600 005.

3.The District Collector,
Office of the District Collector,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the Respondent Nos.1 and 2 for re-fixation of the Petitioner's pension and retirement benefits in the cadre of Tahsildar as per G.O.(2D) No. 710 Revenue (Service 10(2))



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Department dated 30.11.2007 by considering the Petitioner's representation dated 26.12.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. The petitioner retired as Deputy Tahsildar, Taluk Office, Peraiyur, Madurai District on 30.11.2007. As per the Government Order in G.O.(2D) No. 710 Revenue (Service 10(2)) Department, dated 30.11.2007, eleven employees in the cadre of Deputy Tahsildar were allowed to be included in the Tahsildar list of the year 2007. Since, the said Government Order was issued on the date of the petitioner's superannuation, his name should also be included in the list and notional promotion ought to be granted. However, the petitioner's name was not



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included in the approved list of Tahsildars, 2007. Hence, the petitioner submitted a representation to the respondents on 26.12.2023 in this regard. So far, no action has been taken. Therefore, the petitioner has come up with this petition.

3. 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 them to consider the same on their 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. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the second respondent, who is the appropriate Authority, is required to be given with a direction to consider the representation of the petitioner within a specified time frame.



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4. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 26.12.2023 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the second respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands **disposed of**. No costs.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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