



W.P.(MD)No.10371 of 2024

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

**DATED : 26.04.2024**

**CORAM:**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD)No.10371 of 2024**

G.Dhanapalan

... Petitioner

**Vs.**

- 1.The Director General,  
Highways Department,  
Guindy,  
Chennai 600 028.
- 2.The Chief Engineer,  
Highways Department,  
Guindy,  
Chennai 600 028.
- 3.The Superintending Engineer,  
Highways, Construction and Maintenance  
Department,  
K.Pudur,  
Madurai.
- 4.The Divisional Engineer,  
Highways, Construction and Maintenance  
Department,  
K.Pudur,  
Madurai.

...Respondents



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**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Superintendent, by considering the representation of the petitioner, dated 14.04.2024, within a time frame stipulated by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai  
For Respondents : Mr.T.Amjad Khan  
Government Advocate

### **ORDER**

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to promote him to the post of Superintendent, by considering his representation, dated 14.04.2024.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.



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3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The petitioner was appointed as a Record Clerk in the Highways Department in the year 1993. Subsequently, he was promoted as Junior Assistant in the year 2016. He is eligible to be promoted to the post of Superintendent in the year 2021. Hence, he made a representation to the respondents on 14.04.2024, seeking necessary action. Even after receipt of the same, there was no action on the part of the respondents to promote him to the post of Superintendent. Therefore, he filed the present writ petition seeking direction to the respondents to consider his representation, dated 14.04.2024.

5. Be that as it may, 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 pending



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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 respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 14.04.2024, on their 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 respondents to consider the same on their own merits.



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7. With the above direction, this Writ Petition is disposed of.

No costs.

**26.04.2024**

NCC: Yes/No

Index : Yes/No

Internet: Yes/No

akv

To

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**R.N.MANJULA,J.**

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