



W.P.(MD).No.11276 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.11276 of 2021

M.Arvind

... Petitioner

Vs.

1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George, Chennai 600 009.

2.The Commissioner,
Adi Dravidar and Tribal Welfare Directorate,
Ezhilagam, Chepauk, Chennai 600 005.

3.The District Adi Dravidar And Tribal Welfare Officer,
Tenkasi, Tenkasi District.

4.Muppitathi.

... 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 dispose of the petitioner's representation dated 31.05.2021.

For Petitioner : Mr.A.S.Baalaji

For R-1 to R-3 : Mr.D.Gandhiraj,
Special Government Pleader



W.P.(MD).No.11276 of 2021

WEB COPY

ORDER

Heard Mr.A.S.Baalaji, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for respondent Nos.1 to 3.

2. The present writ petition has been filed seeking direction to the first respondent to dispose of the petitioner's representation dated 31.05.2021.

3. The petitioner, who hails from the Scheduled Caste community, was born on 24.06.1968. He joined as 'Cook' on 21.10.1990. Later, he was promoted as 'Night Watchman' and posted in Adi Dravidar Welfare Student's Hostel, (Old), Sankarankovil on 13.04.2013 and he is working there till date. As per the seniority list as on 15.03.2020, his name is placed in Serial No.4 to be promoted to the next post of Office Assistant. One post of Office Assistant is available in the office of the Special Tahsildar (Taluk Adi Dravidar Welfare), Tenkasi District. Since the petitioner has completed 31 years of service, he should be promoted as 'Office Assistant' and should have been sent to that post.



W.P.(MD).No.11276 of 2021

However, negating the petitioner's case, the fourth respondent came to be appointed in the said post under direct recruitment vide proceedings dated 25.02.2021. Objecting to the said appointment and to promote the petitioner in that post, he had sent a representation dated 31.05.2021 to the first respondent. The same is not considered. Hence, this Writ Petition is 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. Considering the limited scope of the relief prayed for by the petitioner in this Writ Petition, this Court hereby directs the first respondent to dispose of the petitioner's representation dated 31.05.2021 and pass appropriate orders on



W.P.(MD).No.11276 of 2021

WEB COPY

merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands **disposed of**. No costs.

05.07.2024

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

To

- 1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George, Chennai 600 009.
- 2.The Commissioner,
Adi Dravidar and Tribal Welfare Directorate,
Ezhilagam, Chepauk, Chennai 600 005.
- 3.The District Adi Dravidar And Tribal Welfare Officer,
Tenkasi, Tenkasi District.



WEB COPY



W.P.(MD).No.11276 of 2021

L.VICTORIA GOWRI, J.

TSG

W.P.(MD).No.11276 of 2021

05.07.2024