



W.P.(MD)No.16278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16278 of 2024

and

W.M.P.(MD)No.14145 of 2024

P.Arun

... Petitioner

Vs.

1.The Secretary,
Department of Higher Education,
Ministry of Human Resources Development,
Government of India, New Delhi-110 001.

2.The Director,
National Institute of Technology,
Trichy-620 0015.

3.The Registrar,
National Institute of Technology,
Trichy-620 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner for promotion, restoration of seniority, appropriate pay fixation and other consequential and monetary benefits on the basis of the representation dated 24.06.2024.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1	: Mr.D.Saravanan Central Government Standing Counsel
For R2 & R3	: Mr.J.Mariya Roselin Standing Counsel



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ORDER

Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioner and Mr.D.Saravanan, learned Central Government Standing Counsel for the first respondent and Mr.J.Mariya Roselin, learned counsel for the second and third respondents.

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

3.The petitioner has filed this writ petition seeking a direction to consider the petitioner's promotion, restoration of seniority, appropriate pay fixation and other consequential and monetary benefits on the basis of the representation dated 24.06.2024.

4.The petitioner has been appointed as a Lecturer in Hardware cadre under Teaching Staff. Subsequently, he was redesignated as Technical Officer under the Non-Teaching Staff. The grievance of the petitioner is that though the similarly placed person, namely Srinivasan, who was appointed as Computer Programmer in the same department, has been considered for



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subsequent promotion from Hardware Engineer to Senior Technical Officer and has got his pay reconstructed, the petitioner was not extended with the said benefit. He has also made a representation dated 24.06.2024 in this regard. However, the same was not considered so far.

5.It is needless to point out that whenever a representation of this nature is made to the Government authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for 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 24.06.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four 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



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of the petitioner and it is open to the respondents to consider the same on its own merits.

7.With the above direction, the Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

22.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Secretary,
Department of Higher Education,
Ministry of Human Resources Development,
Government of India, New Delhi-110 001.
- 2.The Director,
National Institute of Technology,
Trichy-620 0015.
- 3.The Registrar,
National Institute of Technology,
Trichy-620 015.



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R.N.MANJULA, J.

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