



W.P.(MD).No.17953 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17953 of 2024

P.Ayyakalai

... Petitioner

Vs

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), 144, Anna Salai,
Chennai 2.

2. The Chief Engineer / Personn,
El,, Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), 8th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai 2.

3. The Chief Engineer / Distribution / Madurai Region,
Tamil Nadu Generation and Distribution Corporation Limited,
(TANGEDCO), Madurai Regional Office,
Madurai 7.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondent No. 1 and 2 to issue posting orders to the petitioner in the Post of Administrative Supervisor at General Construction Circle, Madurai by way of issuing suitable



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modification of the Promotion order issued to the petitioner vide Memo No. 031354/G.53/G.531/2023-2, dated 13.03.2024 issued by respondent No. 2 in the light of the Government Letter in Letter (Ms).No. 92/S/09 Personnel and Administrative Reforms (S) Department, dated 22.07.2009 within the time period stipulated by this Court.

For Petitioner : Mr. T.Aswin Raja Simman

For Respondents : Mr.B.Ramanathan
Additional Government Pleader

ORDER

Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.B.Ramanathan, learned Additional Government Pleader, for the respondents.

2.This Writ Petition has been filed for a direction to the Respondent No. 1 and 2 to issue posting orders to the petitioner in the Post of Administrative Supervisor at General Construction Circle, Madurai by way of issuing suitable modification of the Promotion order issued to the petitioner vide Memo No. 031354/G.53/G.531/2023-2, dated 13.03.2024 issued by respondent No. 2 in the light of the Government Letter in Letter (Ms).No. 92/S/09 Personnel and Administrative Reforms (S) Department, dated 22.07.2009 within the time period stipulated by this Court.



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

4. The petitioner, who was appointed as a Junior Assistant in the respondent Corporation, has relinquished his promotion in the year 2019. His superannuation falls on 30.06.2026. Under these circumstances, he was promoted to the post of Administrative Supervisor at Thiruvarur Electricity Distribution Circle, which is more than 300 kms away from his residence. Though the vacancy will arise in the near future in Madurai, which is his native place, the 2nd respondent has promoted him to a far away place. By stating his physical disability the petitioner has submitted a detailed representation on 27.05.2024 seeking modification. However, the same was not considered. Hence, this writ petition came to be filed.

5. 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 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



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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 27.05.2024, on its own merits and pass appropriate orders in accordance with law, after making due enquiry. It is made clear that this Court has not gone into the merits of the case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this writ petition is disposed of. No costs.

31.07.2024

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



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R.N.MANJULA, J.

PNM

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