



W.P.(MD).No.28281 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28281 of 2023

C.Kalyana Sundaram

... Petitioner

Vs

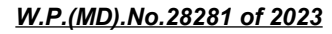
1. The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat,
Chennai-9.
2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-5.
3. The District Collector,
Ramanathapuram District.

... 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 and second respondents to dispose of the representation of the petitioner, dated 13.9.2023 in the light of the G.O.(2D) No.227, dated 22.07.2023.

For Petitioner : Mr. M.Kumar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



The present writ petition has been filed seeking a direction to the first and second respondents to dispose of the representation of the petitioner, dated 13.9.2023 in the light of the G.O.(2D) No.227, dated 22.07.2023.

2. Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Perused the materials on record.

3.(i).The petitioner joined in the Revenue Department as Pro Assistant in the year 2001 and promoted to the post of Deputy Tahsildar with retrospective effect vide G.O(2D) No.785 Revenue Department, dated 26.09.2014 and promoted as Tahsildar with retrospective effect from the year 2011.

(ii).The petitioner was subjected to criminal proceedings in C.C.No.105 of 2016 on the file of Judicial Magistrate No.V, Madurai, as a result of which, his promotion was withheld by the authorities. However, he was honourably acquitted in the said criminal case, hence, he moved the respondents to accord retrospective promotion to the post of Deputy Tahsildar.



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Since the same was not considered, the petitioner filed W.P.No.5137 of 2010 and 3559 of 2014 respectively, following which, the petitioner was promoted to the post of Deputy Tahsildar with effect from 2007 and Tahsildar with effect from the year 2011. Subsequently, he was promoted to the post of Deputy Collector as per G.O.(2D) No.227, dated 22.07.2023. The petitioner was shown in the promotion panel drawn for the year 2016 in S.No.22 in the said G.O. Pursuant to the same, he was promoted to the post of Adi Dravidar and Tribal Welfare Officer, Ramanathapuram, wherein, he joined duty on 07.09.2023. His due for superannuation is on 31.05.2024.

(iii). Though the petitioner has been promoted to the post of Deputy Tahsildar and Tahsildar, he has not been given with monetary benefits in the said post till date. Hence, he made several representations to the respective authorities and the same were not considered. He made another representation to the third respondent on 13.09.2023 and also forwarded the advance copy to the second respondent. The third respondent also forwarded the same to the second respondent, for taking appropriate action and the same is pending without any development. Hence, this petition came to be 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



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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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of this case, this Court hereby direct the second respondent to dispose of the representation of the petitioner, dated 13.09.2023 and pass appropriate orders in accordance with law, within a period of four (4) weeks, from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

31.01.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.28281 of 2023

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