



W.P.(MD).No.31259 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31259 of 2023

Lakshmanan

... Petitioner

Vs

1. The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai 5.
2. The District Scheduled Caste/
Scheduled Tribes Welfare Department Officer,
Trichy District, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation, dated 01.12.2023 to promote the petitioner as Record Clerk / Laboratory Assistant on par with the order passed in the proceedings of the 2nd respondent in Na.Ka.No. W1/20809/2020, dated 26.12.2020.

For Petitioner : Mr. V.Kannan

For Respondents : Mr.C.Baskaran
Government Advocate



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ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation, dated 01.12.2023 to promote the petitioner as Record Clerk / Laboratory Assistant on par with the order passed in the proceedings of the 2nd respondent in Na.Ka.No. W1/20809/2020, dated 26.12.2020.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner has studied upto 10th standard and appointed as Cook by the 2nd respondent at Government Post Graduate Boys Hostel, Trichy vide proceedings, dated 18.09.2015. The petitioner joined service on 22.09.2015. Subsequently, he was transferred to Government Boys Hostel,



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Trichy. His service was regularized in Selection Grade by the 2nd respondent.

The petitioner has worked as Cook for more than 8 years, he is entitled for promotion on completion of five years. He ought to have been promoted as Record Clerk/Lab Assistant, as per the norms and rules of the Government.

(ii).On 26.12.2020, the second respondent has promoted the persons, who have completed five years of service to the post of Record Clerk, vide proceedings, dated 26.12.2020. The petitioner made several representations to the respondents seeking promotion and the last of such representation was made on 01.12.2023. 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. 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.



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6.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 respondents to consider the representation of the petitioner, dated 01.12.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

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

29.01.2024

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

To

1. The Director,
Adi Dravidar Welfare Department,
Chepauk, Chennai 5.
2. The District Scheduled Caste/
Scheduled Tribes Welfare Department Officer,
Trichy District, Trichy.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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