



W.P.(MD)No.15222 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15222 of 2025

Mayandi

... Petitioner

-VS-

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Water Resource Department,
Secretariat, Chennai.

2.The Engineer in Chief WRD & Chief Engineer (General),
Public Works Department, Cheppauk, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 31.01.2023 for petitioner due promotions and proportionate salary and other retirement benefits and pension.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.K.Balasubramani
Special Government Pleader



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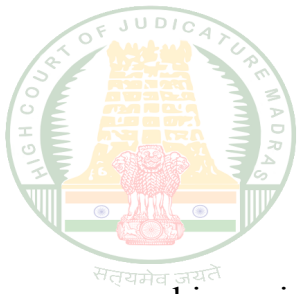
ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 31.01.2023, for due promotions, proportionate salary and other retirement benefits, including pension.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner submits that he was falsely implicated in a criminal case (Special Case No.1/2000) and was convicted by the learned Chief Judicial Magistrate, Thanjavur at Kumbakonam. The petitioner filed Criminal Appeal No. 127/2007 before this Court, which resulted in his acquittal. Following his acquittal, the respondent Department issued G.O.(D)No.106, Water Resources (EI) Department, dated 28.04.2022, declaring that the petitioner is deemed to have retired on the date of his superannuation and granted all retirement benefits accordingly.

4. The petitioner further submits that he had earlier submitted a representation on 31.01.2023 requesting promotion and salary benefits based on

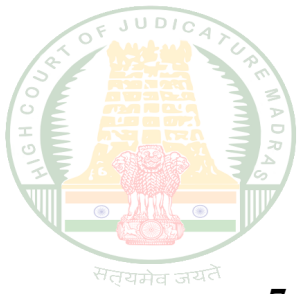


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his seniority, which was not considered till date. The petitioner also submits that in view of his acquittal and the recognition of his deemed retirement, he is entitled to be considered for promotion and salary benefits retrospectively as per his seniority. Hence, the petitioner prays that appropriate orders be passed directing the respondent to grant the eligible promotion and salary benefits with all consequential benefits.

5. Heard both sides.

6. 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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.



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7. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 31.01.2023, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
smn2

05.06.2025

To:-

- 1.The Secretary to Government of Tamil Nadu,
Water Resource Department,
Secretariat, Chennai.
- 2.The Engineer in Chief WRD & Chief Engineer (General),
Public Works Department, Cheppauk, Chennai.



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VIVEK KUMAR SINGH, J.

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