



W.P.(MD)No.22305 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.22305 of 2025

R.Saravanan

: Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai-9.

2.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai-28.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner for promotion to the post of Assistant Engineer from the post of Overseer based on his qualification of B.E. Graduate and more than 10 years of working experience in light of the proceedings passed by the second respondent in Na.Ka.No.32814/2019/F-3, dated 22.01.2021 and as per the similar order in W.P.No.5386 of 2021 dated 07.03.2024 by giving notional effect from the date of promoting juniors to the same post with monetary benefits by considering the petitioner's representation dated 29.07.2025 within the time stipulated by this Court.



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For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.K.Balasubramanian,
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner for promotion to the post of Assistant Engineer from the post of Overseer based on his qualification of B.E. Graduate and more than 10 years of working experience in light of the proceedings passed by the second respondent in Na.Ka.No. 32814/2019/F-3, dated 22.01.2021 and as per the similar order in W.P.No.5386 of 2021, dated 07.03.2024, by giving notional effect from the date of promoting juniors to the same post with monetary benefits by considering the petitioner's representation dated 29.07.2025 within the time stipulated by this Court.

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

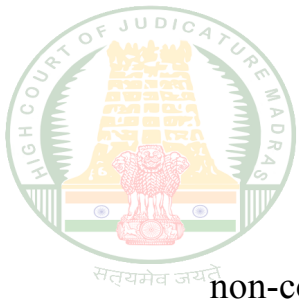


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3. The petitioner is a 60% physically challenged person and has completed his B.E. Degree. He has been serving for the past 17 years in the cadre of Work Inspector / Overseer / Draughtsman. The petitioner is aspiring for promotion to the post of Assistant Engineer from the post of Overseer. The second respondent issued a memorandum addressed to all the Corporation Commissioners, stipulating that employees possessing the requisite qualification of a B.E. Degree and having completed 10 years of service are eligible for promotion to the post of Assistant Engineer. The grievance of the petitioner is that, despite fully satisfying the aforesaid eligibility criteria, he has not been considered for promotion to the post of Assistant Engineer with notional effect and all consequential benefits. In spite of having submitted a detailed representation to the second respondent on 29.07.2025 seeking such promotion, no orders have been passed till date. Hence, the petitioner has been constrained to file the present Writ Petition.

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 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,



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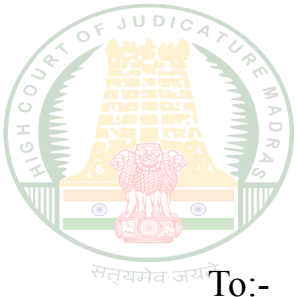
non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 29.07.2025, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks 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.

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

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Index : Yes / No
NCC : Yes / No
TSG



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M.DHANDAPANI, J.

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