

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.10.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.27428 of 2018

N.Gowthaman

..... Petitioner

Vs

1. The Government of Tamil nadu,
Rep. By its Secretary to Government,
Law Department,
Fort St. George, Chennai 600 009.
2. The Director of Legal Studies,
Purasawalkam High Road,
Chennai 600 010.
3. The Principal,
Government Law College,
Tiruchirapalli.

..... Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 30.08.2017 in line with the GO No.422 dated 09.07.2012 and pass necessary orders within a stipulated time period.

For Petitioner : Mr.G.Thiyagarajan

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader

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O R D E R

The case of the petitioner in this writ petition is that though he was worked as a Assistant Professor in the Senior scale in the pay band of 15,600 - 39,100/- AGP Rs.7000/- for five years and entitled to a higher grade pay thereafter in view of G.O.Ms.No.350, Higher Education (H1) Department dated 09.09.2009 read with G.O.Ms.No.126 Law (LS) Department dated 17.05.2010, but his grade pay has not been enhanced and in this regard, as such the petitioner has made a representation to the

2nd respondent on 30.08.2017 but the same has not been attended to. Hence, challenging such inaction of the 2nd respondent, the petitioner has come to file this writ petition seeking for a direction to the 2nd respondent to take a decision on his representation dated 30.08.2017 taking note of the aforesaid Government orders including the GO.Ms.No.422 Law (LS) Department dated 09.07.2012 based on which he was appointed.

2. During the course of hearing, the learned counsel appearing for the petitioner submits that this writ petition may be disposed of at the stage of admission with the relief sought for directing the 2nd respondent to dispose of the representation of the petitioner in a time bound manner.

3. Mr.V.Kadhirvelu, learned Special Government Pleader appearing for respondents, submits that the petitioner is not entitled to the scale claimed by him. However, he submits that if such representation is pending, the 2nd respondent shall take an informed and considered decision on the same in accordance with law, but this Court should not put any fetter on the respondent for disposal of the representation in any particular manner except the time limit for disposal.

4. Considering the aforesaid facts and submissions made, especially the nature of relief sought for, this Court, therefore, dispose of this writ petition at the stage of admission without seeking any reply affidavit from the respondents, directs the 2nd respondent to take an informed and considered decision on the representation of the petitioner made on 30.08.2017 in accordance with law, within a period of six weeks from the date of receipt of copy of this order and inform the decision taken thereof to the petitioner, if there is no other legal impediment. However, it is made clear that since this Court has expressed no opinion on the merit of such representation made by the petitioner, there is no fetter on the 2nd respondent to dispose of the representation in any particular manner except to dispose of the same within a time stipulated, if the same is pending. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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TO

1. The Secretary to Government,

Law Department,
Fort St. George, Chennai 600 009.

2. The Director of Legal Studies,
Purasawalkam High Road,
Chennai 600 010.

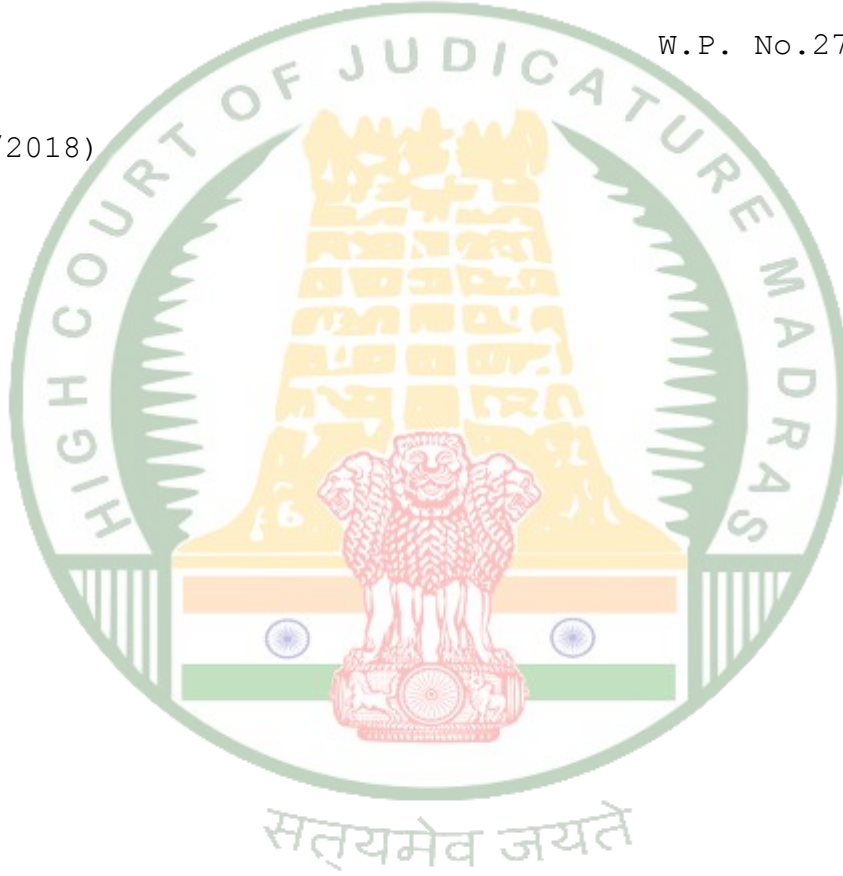
3. The Principal,
Government Law College,
Tiruchirapalli.

+1cc to Mr.G.Thiyagarajan, Advocate SR.No.71651

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RJ(CO)

GMV (02/11/2018)



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