



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD)No.14391 of 2019

R.T.Samson

... Petitioner

/vs./

- 1.The Secretary,
Animal Husbandry Dairying and Fisheries Department,
Secretariat, Chennai - 600 009.
 - 2.The Director,
Animal Husbandry Dairying and Fisheries Department,
Central Office Building Part-2, Chennai - 600 006.
 - 3.The Assistant Director,
Animal Husbandry Dairying and Fisheries Department,
Deputy Director Administration, Thallakulam, Madurai.
 - 4.The Accountant General (A&E),
Animal Husbandry Dairying and Fisheries Department,
Chennai - 600 018.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd and 4th respondents to enhance the pension amount, as per the doctrine equal pay to equal service to the petitioner, based on the representation of the petitioner dated 07.06.2019.

For Petitioner	:	Mr.T.Murugan
For R-1 to R-3	:	Mr.C.M.Marichellaiah Prabhu, Additional Government Pleader.
For R-4	:	Mr.P.Gunasekaran

ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus to the respondents to enhance the pension amount, as per the doctrine of equal pay to equal service to the petitioner, based on the representation of the petitioner dated 07.06.2019, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made



representation on 07.06.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, 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. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 07.06.2019, on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Secretary,
Animal Husbandry Dairying and Fisheries Department,
Secretariat, Chennai - 600 009.
- 2.The Director,
Animal Husbandry Dairying and Fisheries Department,
Central Office Building Part-2, Chennai - 600 006.



3.The Assistant Director,
Animal Husbandry Dairying and Fisheries Department,
Deputy Director Administration, Thallakulam, Madurai.

+1 CC to MR.P.GUNASEKARAN, Advocate (SR-103569[F] dated
05/12/2019)

+1 CC to MR.SPL GP (SR-103596[F] dated 05/12/2019)

Order made in
W.P.(MD) No.14391 of 2019

Dated:
04.12.2019

KM/(18.12.2019) 3P 6C