



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2019**

CORAM:

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

W.P.(MD) No.13202 of 2016

V.Vellaichamy

... Petitioner

/vs./

1.The Commissioner/Director,
Directorate of Technical Education,
Chennai 600 025.

2.Government Polytechnic College,
rep., by its Principal,
Thoothukudi 628 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay the arrears of the sixth pay commission's benefits to the petitioner for the period from 07.03.2008 to 09.07.2009 forthwith.

For Petitioner : Mr.S.Anwar Sameem
For Respondents : Mr.R.Sethuraman
Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents to pay the arrears of the sixth pay commission's benefits to the petitioner for the period from 07.03.2008 to 09.07.2009 forthwith.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.Though the petitioner has sought for aforesaid prayer, 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.

4. The petitioner would submit that he has already made representation on 25.08.2014 in this regard, which is said to be

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pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

5. 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.

6. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 25.08.2014 on the basis of sixth pay commission, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Commissioner/Director,
Directorate of Technical Education,
Chennai 600 025.

2.The Principal,
Government Polytechnic College,
Thoothukudi 628 003.

+1 CC to M/s.Special Government Pleader (SR-104985 13/12/2019)

Order made in
W.P. (MD) No.13202 of 2016
12.12.2019

rmk

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