



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) Nos.26482 & 26485 of 2019

S.Ilango ...Petitioner in WP (MD) No.26482/2019

S.Ramadoss ...Petitioner in WP (MD) No.26485/2019

Vs

1. The State of Tamil Nadu
Rep. By its Secretary to Government
Finance Department
Fort St.George
Chennai - 600 009

2. The State of Tamil Nadu
Rep by Secretary to Government
School Education Department
Fort St.George
Chennai - 600 009

3. The Director of School Education
DPI Compound
College Road
Chennai - 600 006

4. The Joint Director (Vocational)
Directorate of School Education
DPI Compound
College Road
Chennai - 600 006

...Respondents in both WP (MD)s

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re-fix the scale of pay of the petitioner in both WP (MDs) at Rs.2000-3500 w.e.f 05.10.1996 on par with the scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013 to the vocational instructors who were in service at the time, plus 2 system was introduced in the schools in the state of Tamil Nadu and pass such other orders.

For Petitioner in both WP (MDs) : Mr.R.Saravanan

For Respondents in both WP (MDs): Mr.M.Karuppusamy

Government Advocate



C O M M O N O R D E R

By consent of both parties, these writ petitions are taken up for final disposal at the stage of admission itself.

2. Though the petitioner in both WP(MDs) have sought for issuance of Writ of Mandamus directing the respondents to re-fix their scale of pay of at Rs.2000-3500 w.e.f 05.10.1996 on par with the scale of pay sanctioned to Mr.Narayanasami under G.O.Ms.No.327 dated 18.11.2013 to the vocational instructors who were in service at the time, plus 2 system was introduced in the schools in the state of Tamil Nadu.

3. The petitioner would submit that in this regard, they have already made their representations on 28.10.2019 & 03.10.2019 respectively, which are said to be pending. If the said representations are 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 fourth respondent herein to consider the petitioners' representation, dated 28.10.2019 & 03.10.2019, on its own merits and pass appropriate orders within a period of eight 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 petitioners in their respective representations and it is for the respondents to consider it in accordance with law.

6. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar



To

1. The Secretary to Government
The State of Tamil Nadu
Finance Department
Fort St.George
Chennai - 600 009

2. The Secretary to Government
The State of Tamil Nadu
School Education Department
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+2 CC to M/s.R.SARAVANAN, Advocate (SR-104838[F] dated 13/12/2019)

+1 CC to M/s.SPL GP (SR-105065[F] dated 16/12/2019)

Common order in
W.P. (MD) Nos.26482 & 26485 of 2019
13.12.2019

vrn

MS/03.01.2020/3P.8C