



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2019**

CORAM:

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

W.P. (MD) No.26832 of 2019

Bagavathi subramaniam

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep.by its Secretary,
Finance Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Principal Accountant General (A&E),
Tamilnadu,
361, Anna Salai,
Chennai-600 018.

3.The Commissioner,
Department of Technical Education,
Guindy, Chennai-25.

4.The Principal,
Government Engineering College,
Tirunelveli-7,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to fix the pay of the petitioner in the scale of pay meant for the selection grade Artisan Grade II (i.e. 9300-34800+GP4200 and to take in to account the said scale of pay for fixing his Revised Basic Pay in the Tamilnadu Revised Pay Rules 2017 in G.O.Ms.No.303, dated 11.10.2017 and consequently to revise his monthly pension with all monetary benefits and arrears of amount due to him within the period that may be fixed by this Court.

For Petitioner : Mr.V.Kannan
For R1, R3 to R4 : Mr.R.Sethuraman,
Special Government Pleader
For R2 : 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 fix the pay of the petitioner in the scale of pay meant for the selection grade Artisan Grade II (i.e. 9300-34800+GP4200) and to take into account the said scale of pay for fixing his Revised Basic Pay in the Tamilnadu Revised Pay Rules 2017 in G.O.Ms.No.303, dated 11.10.2017 and consequently to revise his monthly pension with all monetary benefits and arrears of amount due to him, 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 25.09.2019 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 first respondent herein to consider the petitioner's representation, dated 25.09.2019, 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 her 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Secretary,
Finance Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Principal Accountant General (A&E),
Tamilnadu,
361, Anna Salai,
Chennai-600 018.

3.The Commissioner,
Department of Technical Education,
Guindy, Chennai-25.

4.The Principal,
Government Engineering College,
Tirunelveli-7,
Tirunelveli District.

+1 CC to M/s.V.KANNAN, Advocate (SR-105661[F] dated 18/12/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-105668[F] 18/12/2019)

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17.12.2019

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