



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.01.2020**

CORAM:

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

W.P.(MD) No.279 of 2020

P.Balu

... Petitioner

/vs./

1.The Principal Secretary to Government,
Industries (MME-1) Department,
Secretariat, Chennai-9.

2.The Managing Director,
Tamil Nadu Minerals Ltd.,
No.31, Kamarajar Salai,
Chennai 600 005.

3.The Factory Manager,
TAMIN Graphites Plant,
Jeyanthi Udaiyanathapuram,
Sakkanthi Post,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to revise the petitioner's scale of pay as Rs.9300-34800+GP 4400 as fixed to the post of Special Grade Electrician with par to the proceedings of the second respondent in R.C.No.2452/E1/11 dated 05.01.2012 in the light of the order passed by this Court in W.P(MD).No.10288 of 2014 dated 08.02.2018 which was confirmed by the Division Bench in W.A(MD).No.148 of 2019 dated 24.07.2019.

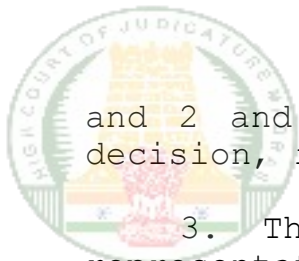
For Petitioner : Mr.S.Arivalagan

For Respondents : Mr.R.Sethuraman
Special Government Pleader

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 first respondent to revise the petitioner's scale of pay, in my view, such a decision is to be taken by the respondents 1



and 2 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 30.09.2019 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 respondents 1 and 2 herein to consider the petitioner's representation, dated 30.09.2019, 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 his representation and it is for the respondents 1 and 2 to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Principal Secretary to Government,
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Tamil Nadu Minerals Ltd.,
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Sakkanthi Post,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-958[F] dated 09/01/2020)

+1 CC to M/s.S.ARIVALAGAN, Advocate (SR-714[F] dated 08/01/2020)

Order made in
W.P.(MD)No.279 of 2020

Dated: 08.01.2020

JMN(27.01.2020) 3P : 6C