



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2020**

CORAM:

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

W.P. (MD) No.1402 of 2020

P.Kader Mohideen

... Petitioner

/vs./

1.The State of Tamilnadu,
represented by its Secretary to Government,
Handloom, Handicrafts,
Textiles & Khadi Department,
Secretariat,
Chennai 600 009.

2.The Director of Sericulture,
Directorate,
Nethaji Nagar,
Hasthampatti, Salem - 7.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to grant Selection Grade in the post of Junior Inspectors by taking the petitioner's total service from the petitioner's initial date of appointment viz, 07/01/1980 as Sericulture Demonstrators (earlier Operatives) with all revisions and attendant service benefits to the petitioner including arrears and confer all consequential benefits including retirement and pensionary benefits in the light of the orders passed in W.A.No.2782 of 2012 dated 27/08/2019.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.Karuppasamy
Government Advocate

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 grant selection grade in the post of
<https://hcservices.ecourts.gov.in/hcservices/>



Junior Inspectors by taking the petitioner's total service from the petitioner's initial date of appointment with all revisions and attendant service benefits to the petitioner including arrears and confer all consequential benefits including retirement and pensionary benefits, 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 submitted a representation on 07.01.2020 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 second respondent herein to consider the petitioner's representation, dated 07.01.2020, on its own merits and pass appropriate orders within a period of six 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
Handloom, Handicrafts,
Textiles & Khadi Department,
Secretariat,
Chennai 600 009.

2.The Director of Sericulture,
Directorate,
Nethaji Nagar,
Hasthampatti, Salem - 7.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-2759[F] dated 24/01/2020)

**W.P. (MD) No.1402 of 2020
24.01.2020**

JMN(10.02.2020) 3P : 4C