



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

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

W.P. (MD) No.1429 of 2020

G.Arul Jebakumar

... Petitioner

/vs./

1.The Principal Secretary to the Government,
Finance Department,
Fort St.George,
Chennai -9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St.George,
Chennai -9.

3.The Director of School Education,
DPI Compound,
College Road,
Chennai -6.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound,
College Road,
Chennai -6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to re-fix the scale of pay of petitioner at Rs.2000-3500/- on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit to Government Order in G.O.(1D) 327, School Education Department dated 18.11.2013 along with all consequential monetary benefits for the service rendered by the petitioner in the post of Vocational Instructor, within the time frame to be fixed by this Court.

For Petitioner : Mr.K.Esakki

For Respondents : Mr.A.Thiagarajan
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 second respondent to re-fix the scale of pay of the petitioner along with all consequential monetary benefits for the service rendered by the petitioner in the post of Vocational Instructor, 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 14.10.2019 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 second respondent herein to consider the petitioner's representation, dated 14.10.2019, 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(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.K.ESAKKI, Advocate (SR-3053[F] dated 27/01/2020)

W.P. (MD) No.1429 of 2020

DKS (CO)
TR(13.02.2020) 3P 6C