



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2020**

CORAM:

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

W.P. (MD) No.2006 of 2020

G.Krishnaganesan

... Petitioner

/vs./

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

2.The Managing Director,
Tamilnadu 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 respondents 1 and 2 to consider the petitioner's representations dated 03.10.2019 and 30.08.2019 and consequently direct the respondents 1 and 2 to refix his scale of pay as Rs.4000-100-6000 with notionally from 01.01.1996 and with monetary benefits from 01.01.1998 as recommended by the second respondent letter dated 28.07.2008.

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 direct the respondents 1 and 2 to consider the petitioner's representations dated 03.10.2019 and 30.08.2019 and consequently direct the respondents 1 and 2 to refix his scale of pay as Rs.4000-100-6000 with notionally from 01.01.1996 and with monetary benefits from 01.01.1998 as recommended by the second respondent letter dated 28.07.2008, the learned counsel for petitioner now abridged the prayer and submitted that it would suffice if the representations dated 03.10.2019 and 30.08.2019 given by the petitioner is directed to be considered by the respondents within a stipulated time, the ends of justice could be



3. 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 merit 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.

4. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representations, dated 03.10.2019 and 30.08.2019, on its own merits and pass appropriate orders within a period of twelve (12) 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 to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To:

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

2. The Managing Director,
Tamilnadu Minerals Ltd.,
No.31, Kamarajar Salai,
Chennai-600 005.

+1 CC to MR.S.ARIVALAGAN, Advocate (SR-4562[F] dated 04/02/2020)

Order made in
W.P. (MD) No.2006 of 2020
31.01.2020

_KM/(12.02.2020) 2P 4C