



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2193 of 2020

and

W.M.P.(MD) No.1846 of 2020

V.Ramasamy

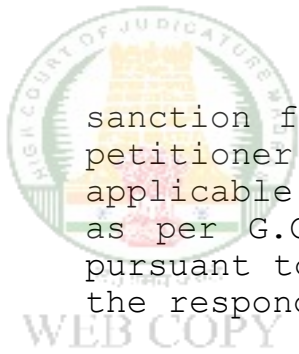
... Petitioner

/vs./

1. The Principal Secretary to Government,
Public Work Department,
Fort St.George,
Chennai 600 009.
2. The Engineer-in-Chief,
Water Resources Department & Chief Engineer (General),
Public Works Department,
Chennai.
3. The Chief Engineer,
PWD Buildings,
Madurai Region,
Madurai.
4. The Superintending Engineer,
PWD Buildings (Construction & Maintenance) Circle,
Madurai.
5. The Executive Engineer,
Public Works Department
Building (Construction & Maintenance) Division,
Dindigul.
6. The Assistant Executive Engineer,
Public Works Department
Building (Construction & Maintenance) Division,
Kodaikanal.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to
<https://hcservices.ecourts.gov.in/hcservices/>



sanction for getting basic pay at the minimum of pay scale to the petitioner equivalent to basic pay at the minimum of the pay scale applicable to the post of Sweeper, Scavenger with Dearness Allowance as per G.O.Ms.No.137 Public Work (C2) Department dated 13.09.2019 pursuant to the representation of the petitioner dated 10.01.2020 to the respondents within stipulated time.

For Petitioner : Mr.R.Krishnan
For Respondents : Mr.V.Anand
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 sanction for getting basic pay at the minimum of pay scale to the petitioner equivalent to basic pay at the minimum of the pay scale applicable to the post of Sweeper, Scavenger with Dearness Allowance as per G.O.Ms.No.137 Public Work (C2) Department dated 13.09.2019, 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 10.01.2020 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 fifth respondent herein to consider the petitioner's representation, dated 10.01.2020, on its own merits and pass appropriate orders within a period of eight 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 fifth respondent to consider it in accordance with law.



6. With the above direction, this Writ Petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Public Work Department,
Fort St. George,
Chennai 600 009.
2. The Engineer-in-Chief,
Water Resources Department & Chief Engineer (General),
Public Works Department,
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3. The Chief Engineer,
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PWD Buildings (Construction & Maintenance) Circle,
Madurai.
5. The Executive Engineer,
Public Works Department
Building (Construction & Maintenance) Division,
Dindigul.
6. The Assistant Executive Engineer,
Public Works Department
Building (Construction & Maintenance) Division,
Kodaikanal, Dindigul District.

+1 CC to M/s.R.KRISHNAN, Advocate (SR-4929[F] dated 06/02/2020)
+1 CC to M/s.SPL GP (SR-5110[F] dated 06/02/2020)

MM

TE : 18/02/2020 : 3P/9C

W.P. (MD) No.2193 of 2020
05.02.2020