



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

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

W.P. (MD) No.3054 of 2020

WEB COPY

1.M.Murugan
2.R.Ravi
3.P.Mariappan
4.S.Murugesan
5.A.Natarajan

... Petitioners

/vs./

1.The Secretary to the Government,
Backward Classes, Most Backward Classes,
Denotified Communities and Minorities Welfare Department,
Secretariat, Chennai-600 009.

2.The Commissioner,
Backward Classes and Most Backward Classes,
Welfare Department,
Ezhilagam, Chepauk,
Chennai-600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to revise the scale of pay of the petitioners in the pay band of Rs.4800-10000+1300GP with effect from 15.06.2015 along with consequential monetary benefits and arrears on par with other similarly placed employees (Sweepers) Working in School Education Department, Police Department, Medical Department, Judicial Department within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapthi Roy

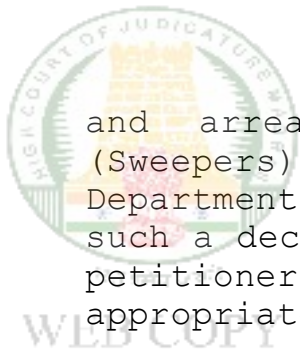
For Respondents : Mr.R.Sethuraman

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 petitioners have sought for issuance of writ of mandamus to direct the respondents to revise the scale of pay of the petitioners in the pay band of Rs.4800-10000+1300GP with effect from 15.06.2015 along with consequential monetary benefits



and arrears on par with other similarly placed employees (Sweepers) Working in School Education Department, Police Department, Medical Department, Judicial Department, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made a representation on 20.01.2020 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 petitioners' representation, dated 20.01.2020, on its own merits and pass appropriate orders within a period of six (6) 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 petitioners in their representation and it is for the second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Secretary to the Government,
Backward Classes, Most Backward Classes,
Denotified Communities and Minorities Welfare Department,
Secretariat, Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner,
Backward Classes and Most Backward Classes,
Welfare Department,
Ezhilagam, Chepauk,
Chennai-600 005.

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+1 CC to M/s.SPL.GP (SR-6766[F] dated 18/02/2020)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-6739[F] dated
18/02/2020)

Order made in
W.P. (MD) No.3054 of 2020

grl(CO)
TR(02.03.2020) 3P 5C