



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

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

W.P.(MD) No.3053 of 2020

R.Chokkar

... 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-600 006.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to re-fix the scale of pay of the petitioner and provide the retirement benefits in accordance with the Tamil Nadu Revised Pay Rules, 2017 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
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 direct the respondents to re-fix the scale of pay of him and provide the retirement benefits in accordance with the Tamil Nadu Revised Pay Rules, 2017, 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 made 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 a stipulated time, the ends of justice could be secured.

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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 third 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 (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 petitioner in his representation and it is for the respondents 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)

Cp

To:

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.

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



3.The Director of School Education,
DPI Compound,
College Road,
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4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
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+1 CC to Mr.SPL.GP (SR-6767[F] dated 18/02/2020)

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-6738[F] dated
18/02/2020)

Order made in
W.P. (MD) No.3053 of 2020
17.02.2020

VB(02.03.2020) 3P 7C