



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.02.2020**

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
W.P.(MD) No.4323 of 2020

WEB COPY

Elumalai

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Public Works Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The Principal Chief Engineer (WRO),
Cum Chief Engineer, (PWD),
Public Works Department, Chepauk, Chennai.

3.The Chief Engineer,
PWD / WRO, Madurai Division,
Madurai.

4.The Superintending Engineer,
Madurai Periyaru Vaigai Basin-Division,
(PWD/WRO), Madurai-1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the first respondent to bring the petitioner under Special Time Scale of Pay by considering the petitioner's representation dated 03.02.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan
For Respondents : Mr.C.M.Mari Chellaiah Prabhu,
Additional 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 the first respondent to bring him under Special Time Scale of Pay, in my view, such a decision is to be taken by the first respondent 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 representation on 03.02.2020 in this regard, which is said to be

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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 first respondent herein to consider the petitioner's representation, dated 03.02.2020, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cp

To:

1.The Principal Secretary,
Government of Tamil Nadu,
Public Works Department,
Secretariat, Fort St. George, Chennai-600 009.

2.The Principal Chief Engineer (WRO),
Cum Chief Engineer, (PWD),
Public Works Department, Chepauk, Chennai.

3.The Chief Engineer,
PWD / WRO, Madurai Division,
Madurai.



4. The Superintending Engineer,
Madurai Periyaru Vaigai Basin-Division,
(PWD/WRO), Madurai-1.

+1 CC to Mr.P.SANTHANAKRISHNAN, Advocate (SR-9487[F] dated
02/03/2020)

+1 CC to SPL.GP (SR-9619[F] dated 02/03/2020)

Order made in
W.P.(MD)No.4323 of 2020
Dated:28.02.2020

MK (11.03.2020) 3P 7C