



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.5725 of 2020

A.Jagarajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Handloom, Handicrafts, Textiles & Khadi Department,
Secretariat,
Chennai - 600 009.

2.Director of Sericulture,
Directorate,
Nethaji Nagar,
Hasthampatti,
Salem - 7.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to grant selection grade in the post of Junior Inspectors by taking the petitioner's total service from his initial date of appointment viz., 03.05.1983 as Sericulture Demonstrators (earlier Operatives) with all revisions and attendant service benefits to him including arrears and confer all consequential benefits including retirement and pensionary benefits, in the light of the orders passed in W.A.No.2782 of 2012 dated 27.08.2019.

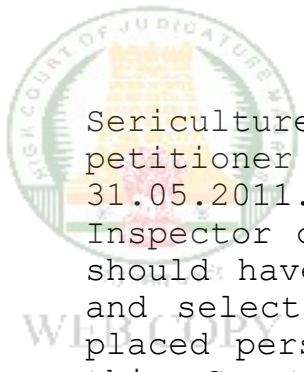
For petitioner : Mr.S.Sivakumar

For respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as Sericulture Demonstrator on 03.05.1983 and the said post was merged with the post of Junior Inspector of



Sericulture. After 28 years of service as Junior Inspector, the petitioner retired on attaining the age of superannuation on 31.05.2011. As the posts of Sericulture Demonstrator and Junior Inspector of Sericulture were merged, the service in both the posts should have been counted for the purpose of granting senior scale and selection scale, but it was not granted. Hence, a similarly placed person has approached the Court in W.P.No.28492 of 2006 and this Court, by order dated 01.07.2008, allowed the said writ petition and the appeal preferred by the respondents in W.A.No.1398 of 2008 was also dismissed on 21.04.2009 by a Division Bench with an observation that similarly placed persons should be extended the benefit of the order in the writ petition. A similar order has also been passed in an appeal in W.A.No.2782 of 2012, dated 27.08.2019. Though the petitioner is a similarly placed person and he has sent several representations, his case has not been considered by the respondents till date. A last such representation was made on 04.02.2020. Hence, he has come up with this writ petition for the aforesaid prayer.

3. The learned counsel for the petitioner would further submit that though the petitioner has come up with a larger prayer, it is suffice, if a direction is given to the second respondent to consider the representation of the petitioner dated 04.02.2020 in the light of the judgment passed in W.A.No.2782 of 2012, dated 27.08.2019.

4. The learned counsel for the respondents submitted that the representation of the petitioner would be considered by the second respondent as early as possible.

5. Whenever a representation is made to a statutory authority to redress the claim of the employee, it 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 a stipulated time.

6. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 04.02.2020, in the light of the judgment passed in W.A.No.2782 of 2012, dated 27.08.2019 and pass appropriate order on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 04.02.2020 and a copy of the judgment in W.A.No.2782 of 2012, along with a copy of this order to the respondents for early consideration of the matter.



7. With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

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To

1. The Secretary to Government,
The State Of Tamil Nadu,
Handloom, Handicrafts, Textiles & Khadi Department,
Secretariat,
Chennai-600 009.

2. The Director of Sericulture,
Directorate, Nethaji Nagar,
Hasthampatti,
Salem-7.

+1 CC to M/s.SPL.GP (SR-12682[F] dated 20/03/2020)

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-12524[F] dated 19/03/2020)

Order made in
W.P.(MD) No.5725 of 2020
19.03.2020

AP(26/05/2020) 3P 5C