



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2020

CORAM:

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

W.P. (MD) No.26685 of 2019

and

W.M.P. (MD) No.23011 of 2019

S.M.Murugesshan,
Member,
Tamil Nadu State Consumer Dispute,
Circuit Bench of TNSCDRC,
District Court Campus,
Madurai 625 020.

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Consumer Affairs,
New Delhi-1.
- 2.The Government of Tamil Nadu,
Represented by its Secretary,
Cooperation Food and Consumer
Protection (H1) Department,
Fort St. George,
Chennai.
- 3.The Tamil Nadu State Consumer Redressal Commission,
Represented by its Registrar,
Park Town,
Chennai - 3.
- 4.Pay and Account Officer,
Pay and Account Office,
Madras High Court Campus,
Chennai - 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to prepare pay order fixing the revised pay to the petitioner as per the Consumer Protection (Appointment, Salary, Allowances and

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conditions of service of President and Members of the State Commission and District Forum) Rules, 2018 and to disburse the same along with all attendant benefits / allowances and arrears, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
for M/S. Ajmal Associates

For Respondent No.1 : Mr.R.Alaguramjothi,
Central Government Standing Counsel

For Respondents 2 & 3 : 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 petitioner has sought for issuance of writ of mandamus to the respondents to consider the petitioner for payment of salary as per amended G.O.(MS).No.126, dated 07.09.2018, 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 representation on 22.11.2019 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.

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 respondents herein to consider the petitioner's representation, dated 22.11.2019, on its own merits and pass appropriate orders within a period of eight (8) 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. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Secretary,
The Union of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Consumer Affairs,
New Delhi-1.

2.The Secretary,
Government of Tamil Nadu,
Cooperation Food and Consumer
Protection (H1) Department,
Fort St. George,
Chennai.

3. The Registrar,
Tamil Nadu State Consumer
Redressal Commission,
Park Town, Chennai - 3.

4.The Pay and Account Officer,
Pay and Account Office,
Madras High Court Campus,
Chennai - 104.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2431[F] dated
22/01/2020)

**Order made in
W.P. (MD) No.26685 of 2019
21.01.2020**

PJL

SDS (06.02.2020) 3P-6C