



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.01.2020**

CORAM:

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

W.P. (MD) No.27346 of 2019

P.Malayandi

... Petitioner

/vs./

- 1.The Chief Security Commissioner,
O/o.Railway Protection Force,
Moore Market Complex,
Southern Railway, Chennai-3.
- 2.The Deputy Security Commissioner,
Office Deputy Security Commissioner,
Railway Protection Force, Madurai.
- 3.The Principal,
RPF Training Centre, Kajamalai,
Trichirapalli.
- 4.The Financial Advisor,
Southern Railway,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to refix the petitioner's pay band at Rs.10540+2800 grade pay from 01.07.2015 at par with juniors and refund the recovered basic pay in April 2016 and subsequent period based on the petitioner's representation to the first respondent on 23.10.2018.

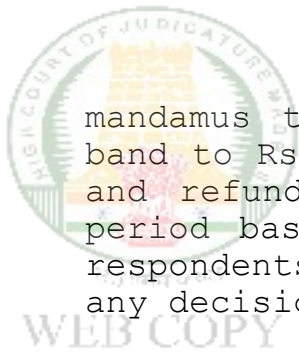
For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.S.Manohar
Standing counsel

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



mandamus to direct the respondents to refix the petitioner's pay band to Rs.10540+2800 grade pay from 01.07.2015 at par with juniors and refund the recovered basic pay in April 2016 and subsequent period based, 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 23.10.2018 in this regard, which is said to be 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 respondents herein to consider the petitioner's representation, dated 23.10.2018, 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 her 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)

rmk

To

1.The Chief Security Commissioner,
O/o.Railway Protection Force,
Moore Market Complex,
Southern Railway, Chennai-3.



2.The Deputy Security Commissioner,
Office Deputy Security Commissioner,
Railway Protection Force, Madurai.

3.The Principal,
RPF Training Centre, Kajamalai,
Trichirapalli.

4.The Financial Advisor,
Southern Railway,
Chennai.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-14[F] dated 02/01/2020)

+1 CC to M/s.S.MANOHAR, Advocate (SR-73[F] dated 03/01/2020)

Order made in
W.P.(MD) No.27346 of 2019
02.01.2020

JMN(22.01.2020) 3P : 7C