

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 25.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.16437 of 2010

S.Thanickachalam

... Petitioner

Vs.

1.The Secretary

Department of Labour Welfare,
Fort St. George, Chennai.

2.The Director,

Directorate of Employment and
Industrial Training,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 32.

3.The Principal,

Government Industrial Training Institute (Mens),
Cuddalore.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to refix the scale of pay of Mr.Abdul Kareem and consequently revise the scale of pay of petitioner.

For Petitioner : Mr.R.Dhanasekar

For D.Baskar

For Respondents : Mrs.K.Bhuvaneswari

Additional Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to refix the scale of pay of Mr.Abdul Kareem and consequently revise the scale of pay of petitioner.

2.Mr.R.Dhanasekar, learned counsel appearing for the petitioner has submitted that, there is a pay anomaly between the petitioner and one individual by name M.Abdul Kareem and in order to set right the pay anomaly, though this writ petition has been filed, no such request seems to have been made by the petitioner earlier before filing this writ petition.

3.It is a settled proposition that, if at all any litigant wants to seek a mandamus under Article 226 of the Constitution, there must be a demand or request, that should have been made to the respondents and despite the same, if the request is not considered and grievance of the petitioner is not redressed, then only he can approach this Court for seeking a writ of mandamus.

4.Here in the case in hand, in the absence of any such request being made by the petitioner, this Court is of the view that the mandamus sought for cannot be granted.

5.However, Mr.R.Dhanasekar, learned counsel appearing for the petitioner would submit that, explaining the grievances of the petitioner, he would make a representation to the respondents within a time frame and once such representation is made, the same may be directed to be considered by the respondents on merits and in accordance with law within a time frame.

6.Mrs.K.Bhuvaneshwari, learned Additional Government Pleader appearing for the respondents would submit that, if any such representation is made hereafter, the same would be considered by the respondents on merits and in accordance with law within a time frame.

7.Considering the said position of the case, this Court is inclined to dispose of this writ petition with the following orders.

That the petitioner is at liberty to make a representation explaining the cause or grievance that is allegedly facing by the petitioner with regard to the pay anomaly and if such a representation is made, the same shall be considered by the respondents on merits and in accordance with law within a period of twelve weeks from the date of receipt of such representation.

8. With this direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

Sgl

To

1. The Secretary
Department of Labour Welfare,
Fort St. George, Chennai.
2. The Director,
Directorate of Employment and
Industrial Training,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 32.
3. The Principal,
Government Industrial Training Institute (Mens),
Cuddalore.

+1cc to Government Pleader Sr.No.20144

W.P.No.16437 of 2010

AJB (CO)
NR 15/04/2021

सत्यमेव जयते

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