



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10339 of 2021

K.S.Kannaiyan

...Petitioner

Vs

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

2.The District Educational Officer,
Virudhachalam Education District,
Cuddalore District.

3.The Block Educational Officer,
Virudhachalam Block,
Cuddalore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant fixation of pay in the post of Secondary Grade Teacher with Personal Pay of Rs.750/- as granted in G.O.Ms.No.23, Finance (Pay cell) Department dated 12.01.2011 with effect from 01.01.2006 from the date of appointment on 20.07.1999 on notional basis with consequential fixation of pay in the promoted post of B.T. Assistant with all consequential and other attendant benefits including the arrears of salary by considering the representation submitted by the petitioner dated 23.12.2020.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.P.Raja, GA

O R D E R

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to the respondents to grant fixation of pay in the post of Secondary Grade Teacher with Personal Pay of Rs.750/- as granted in G.O.Ms.No.23,



Finance (Pay Cell) Department dated 12.01.2011 with effect from 01.01.2006 from the date of appointment on 20.07.1999 on notional basis with consequential fixation of pay in the promoted post of B.T.Assistant with all consequential and other attendant benefits including the arrears of salary was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 23.12.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 23.12.2020, within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 23.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sbn

To

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.



2.The District Educational Officer,
Virudhachalam Education District,
Cuddalore District.

3.The Block Educational Officer,
Virudhachalam Block,
Cuddalore District.

+lcc to Mr.G.Sankaran, Advocate, S.R.No.25521
+lcc to the Government Pleader, S.R.No.25993

W.P.No.10339 of 2021

VSN II(CO)
CB(14/07/2021)