

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.10449 OF 2021

AND

W.M.P.NO.11047 OF 2021

D.Pushparani

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep., by the Principal Secretary to
Government, Department of Education,
Fort St., George, Chennai-600 009.
2. The District Education Officer,
Vellore, Vellore District.
3. The Head Master,
Govt.Boys Higher Secondary School,
Arcot, Vellore District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein to take necessary action to calculate the arrears of wages at the minimum if the pay-scale' from the date of my appointment i.e., from January 1995 to till date and pay petitioner's arrears of wages within a time limit in the light of the above said judgment of the Hon'ble Supreme Court dated 26.10.2016 held in State of Punjab and Ors Vs Jagjit Singh ad Ors.

For Petitioner : Mr.S.Arun Kumar

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 first respondent to take necessary action to calculate the arrears of wages 'at the minimum of the pay-scale' from the date of her appointment i.e., from January 1995 to till date and pay her the arrears of wages, was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 01.04.2021, 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 01.04.2021, 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 01.04.2021, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Department of Education,
Fort St., George,
Chennai-600 009.
2. The District Education Officer,
Vellore, Vellore District.
3. The Head Master,
Govt.Boys Higher Secondary School,
Arcot, Vellore District.

+1cc to the Government Pleader, S.R.No.25970

W.P.No.10449 of 2021
and
W.M.P.No.11047 of 2021

SSN(CO)
CS/01/07/2021



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