

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10878 of 2021

Mrs.Vijayakumari

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep.by its Home Secretary,
Fort Saint George,
Chennai-600 009.

2.The Department of Social Welfare,
Rep.by its Director,
Fort Saint George,
Chennai-600 009.

3.District Social Welfare Officer,
Madurai District,
K.K.Nagar, Madurai-625 020.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to revise the pay scale of the petitioner as per standardization and regularisation prescribed by the first respondent along with the arrears in the salary calculated from the year 2006 within a time period fixed by this Court.

For Petitioner : M/s.Nathan and Associates

For Respondents: Mr.P.V.Selvakumar, AGP

सत्यमेव जयते
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 revise the pay scale of the petitioner as per standardization and regularisation prescribed by the first respondent along with the arrears in the salary calculated from the year 2006 was not considered, the present writ petition has been filed. According to the petitioner, she has made a representation in this regard on 23.10.2006, 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 second respondent herein to consider the petitioner's representation dated 23.10.2006 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 second respondent to consider the petitioner's representation dated 23.10.2006 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks 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 (CO)

//True Copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Home Secretary,
The State of Tamil Nadu,
Fort St. George, Chennai-600 009.

2.The Director,
The Department of Social Welfare,
Fort Saint George, Chennai-600 009.

3.District Social Welfare Officer,
Madurai District,
K.K.Nagar, Madurai-625 020.

+1cc to Mr.Nathan & Associates, Advocate, S.R.No. 26170
+1cc to the Government Pleader, S.R.No. 26793

W.P.No.10878 of 2021