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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31862 of 2018
and WMP.No.37102 of 2018

A.Vedhachalam

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Secretary,
Co-operation Food and Consumer
Protection Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Commissioner,
Civil Supplies & Consumer Protection,
Chepauk, Chennai-5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to fix Selection Grade Pay of Rs.5,500-150-8000 from 01.04.2006 to 31.03.2009 Super Grade Scale Pay of Rs.6500-200-10500 G.P.4600 from 01.04.2009 to 30.06.2016 the petitioner in the Assistant (Super Grade) in accordance with rules and to pursuance of G.O.Ms. No.64 dated 27.04.2015 with all monetary and attendant benefits award.

For Petitioner : Mr.N.Dhanasekaran

For Respondents : Mr.L.P.Shanmugasundaram

O R D E R

The present Writ Petition is heard through Video Conferencing today.

2. Since the petitioner's request to grant Super Grade Scale with effect from 01.04.2009, with all consequential benefits,



was not considered, the present Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 15.02.2013 to the second respondent, which is still pending.

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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. Since the earlier representation made by the petitioner was in the year 2013, this Court is of the view that the petitioner can be granted liberty to give a fresh representation ventilating his grievances.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second respondent, along with a copy of the earlier representation dated 15.02.2013, ventilating his grievances, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall consider it on its own merits and take appropriate course of action in accordance with law, within a period of twelve weeks from the date of receipt of the fresh representation. It is made clear that this Court has not passed any positive directions with regard to the petitioner's entitlement for Super Grade Scale.

6. With the above direction, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

DP



To

1. The Secretary,
Government of Tamil Nadu
Co-operation Food and Consumer
Protection Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Commissioner,
Civil Supplies & Consumer Protection,
Chepauk, Chennai-5.

ORDER MADE IN
W.P.No.31862 of 2018
and
WMP.No.37102 of 2018

PCH (CO)
K.RK. (03.08.2021)