



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.2502 of 2021

1.K.C.Selvakumar
2.N.Varadharajan
3.J.Harikrishnan
4.G.Ranjani
5.K.Jeyalakshmi

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.

4. The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.

5. The Tahsildar,
Palani Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide the higher start of pay to the petitioners based on the G.O.Ms.No.116 Personnel Administrative (FR-IV) Department, dated 15.10.2020 and consider the petitioner's representation dated 17.02.2020, within the time stipulated by this Court.

For Petitioners : Mr.S.Karthik

For Respondents : Mr.P.Kannithevan

Additional Government Pleader



O R D E R

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

2. Since the petitioners' request to the respondents to provide the higher start of pay to the petitioners based on the G.O.Ms.No.116 Personnel Administrative (FR-IV) Department, dated 15.10.2020, was not considered, the Writ Petition has been filed. According to the petitioner, they have made a representation in this regard on 17.02.2020, 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 petitioners' representation dated 17.02.2020, 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 view with regard to the merits of the claim of the petitioners 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 petitioners' representation dated 17.02.2020, 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

// True Copy //

/ /2021
Sub Assistant Registrar(CS-)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai - 600 009.
 2. The District Collector,
Dindigul District, Dindigul.
 3. The Revenue Divisional Officer,
Palani Taluk,
Dindigul District.
 4. The Tahsildar,
Oddanchathiram Taluk,
Dindigul District.
 5. The Tahsildar,
Palani Taluk,
Dindigul District.
- +1 CC to Mr.S.KARTHIK, Advocate (SR-4694[F] dated 12/02/2021)
+1 CC to SPECIAL GOVERNMENT PLEADER (SR-4978[F] dated 15/02/2021)

TM

TE : 23/02/2021 : 3P/8C

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