



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2593 of 2021

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P.Kala

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Highways and Minor Ports Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Principal Director,
Highways Department,
HRS Compound,
Guindy,
Chennai - 600 025.

3.The Chief Engineer,
Highways Investigation and Planning,
HRS Compound,
Guindy,
Chennai - 600 025.

4.The Divisional Engineer (Highways)
Investigation Division,
Aruppukkottai Road,
Villapuram,
Madurai - 625 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to regularize the service of late V.Pandian from the date of completion of 3 years of service from the date of joining in service i.e., from 27.08.1992 and to disburse the arrears of salary for the period from 01.07.2013 to 31.01.2014 with current salary by fixing revised time scale of pay as per the Government Order in G.O.(MS) No.385, Finance (Pay Fixation) Department, dated 01.10.2010 based on the petitioner's representation dated 19.11.2020 thereby pay all service and monetary benefits within the time limit that may be stipulated by this Court.



For Petitioner : Mr.Thalaimutharasu

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

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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 petitioner's request to the respondents to regularize the service of late V.Pandian from the date of completion of 3 years of service from the date of joining in service i.e., from 27.08.1992 and to disburse the arrears of salary for the period from 01.07.2013 to 31.01.2014 with current salary by fixing revised time scale of pay as per the Government Order in G.O.(MS) No.385, Finance (Pay Fixation) Department, dated 01.10.2010, thereby pay all service and monetary benefits, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 19.11.2020, 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 19.11.2020, 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 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 19.11.2020, 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-I)

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// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Secretary to Government,
State of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The Principal Director,
Highways Department, HRS Compound,
Guindy, Chennai - 600 025.
- 3.The Chief Engineer,
Highways Investigation and Planning,
HRS Compound, Guindy, Chennai - 600 025.
- 4.The Divisional Engineer (Highways)
Investigation Division,
Aruppukkottai Road,
Villapuram, Madurai - 625 012.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-4819[F] dated 12/02/2021)

+1 CC to M/s.GP (SR-4968[F] dated 15/02/2021)

W.P. (MD) No.2593 of 2021
11.02.2021

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