



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.4552 of 2021

- 1.M.Rajaram
- 2.T.Irudayaraj
- 3.M.Thangamani
- 4.G.Sarguna Samuelraj
- 5.L.Kalyana Sundaram
- 6.S.Sadhasivam
- 7.N.Srinivasan
- 8.G.Kalavathy
- 9.C.R.Maheswari
- 10.N.Indhumathi
- 11.Mrs.R.Thirupathi

..Petitioners

Vs.

- 1.The Principal Secretary to the Government,
Finance Department,
Fort St. George,
Chennai - 9.
- 2.The Principal Secretary to the Government,
School Education Department,
Fort St. George,
Chennai - 9.
- 3.The Director of School Education,
DPI Compound,
College Road,
Chennai - 600 006.
- 4.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent No.1 to 3 to re-fix the scale of pay and pension of the Petitioners along with consequential monetary benefits by way of granting the benefit of Additional Fitment Table 15 and by applying Rule 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009, within the time period stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy
For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader



ORDER

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 re-fix the scale of pay and pension of the Petitioners along with consequential monetary benefits by way of granting the benefit of Additional Fitment Table 15 and by applying Rule 4(i) and (iii) of the Tamil Nadu Revised Scale of Pay Rules, 2009, was not considered, the Writ Petition has been filed. According to the petitioners, they have made a representation in this regard on 30.01.2021, 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 third respondent herein to consider the petitioners' representations dated 30.01.2021, 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 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 third respondent to consider the petitioners' representations, dated 30.01.2021, 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.

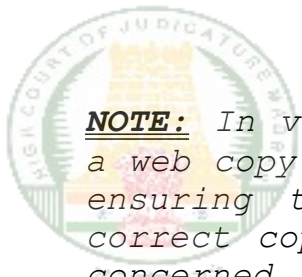
Sd/-

Assistant Registrar (Records)

// 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.

WEB COPY

To

1.The Principal Secretary to the Government,
Finance Department,
Fort St. George,
Chennai - 9.

2.The Principal Secretary to the Government,
School Education Department,
Fort St. George,
Chennai - 9.

3.The Director of School Education,
DPI Compound,
College Road,
Chennai - 600 006.

4.The Joint Director (Vocational),
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DPI Compound, College Road,
Chennai - 600 006.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9085[F] dated 05/03/2021)

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04.03.2021

SE (CO)
KB(23.03.2021) 3P 6C