



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3819 of 2021

C.Subash

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home Department, Secretariat, Fort St.George,
Chennai-600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.The Superintendent of Police,
Kanyakumari District, Nagercoil.

4.The Bhoothapandi Police Station,
Represented by Inspector of Police,
Bhoothapandi,
Kanyaumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to fix the regular time scale of pay to the petitioner with consequential increments on par with scavengers in school education department, who are receiving Regular Time Scale of Pay of Rs.4,800+1,300 as Grade Pay and pay the salary to the petitioner from the date of appointment along with arrears within a time frame to be fixed by this Court.

For Petitioner : Mr.N.Dilip Kumar

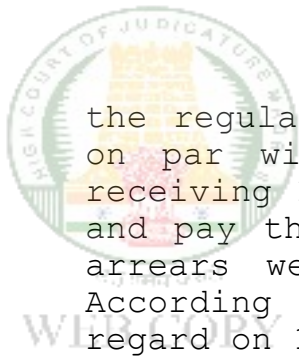
For Respondents : Mr.A.Muthukaruppan

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 petitioner's request to the respondents to fix



the regular time scale of pay to him with consequential increments on par with scavengers in School Education Department, who are receiving Regular Time Scale of Pay of Rs.4,800+1,300 as Grade Pay and pay the salary to him from the date of appointment along with arrears were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 13.02.2021, 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 first respondent herein to consider the petitioner's representation dated 13.02.2021, 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 first respondent to consider the petitioner's representation dated 13.02.2021, in the light of the order passed by this Court in W.P (MD) No.17663 of 2014, dated 25.01.2018 as confirmed in W.A(MD) No.1584 of 2018, dated 29.01.2019 as well as the order passed in similarly placed person engaged in the Home Department of Government of Tamilnadu in W.P.No.27885 of 2019, dated 04.11.2019 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)

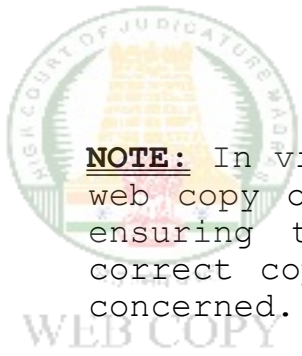
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/ /2021

Sub Assistant Registrar(CS)

CP

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Home Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
- 3.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 4.The Inspector of Police,
Bhoothapandi Police Station,
Bhoothapandi,
Kanyaumari District.

+1 CC to Mr.N.DILIPKUMAR, Advocate (SR-7842[F] dated 01/03/2021)

Order made in
W.P. (MD) No.3819 of 2021
01.03.2021
(2/4)

ES (CO)
SRS (22/03/2021) 3P : 6C