



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4268 of 2021

S.Jeyakumar

...Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2.The District Educational Officer,
Sivakasi,
Virudhunagar District.

3.The Block Educational Officer-3,
Block Educational Office,
Sivakasi,
Virudhunagar 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 revise and re-fix the petitioner's secondary grade teacher scale of pay in Rs.15600-39100+GP5400 by considering the compilation special grade on 18.07.2006 notionally effect from 01.01.2006 with monetary benefits from 01.01.2007 in the light of the Government Orders in G.O.Ms.No.234, Finance (PC) Department, dated 01.06.2009, G.O.Ms.No.306, Finance (CMPC) Department, dated 12.09.2018, Government Letter No.63305/Pay Cell/2010-1 dated 08.11.2010 and Government Letter No.14483/CMPC/2011-1 dated 05.01.2012 based on the petitioner's representation dated 14.09.2019 within the period stipulated by this Court.

For Petitioner : Mr.S.Selvakumar
For Respondents : Mr.A.Thiyagarajan
Government Advocate

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 revise and re-fix the petitioner's Secondary Grade Teacher scale of pay in Rs.15600-39100+GP5400 by considering the compilation special grade on 18.07.2006 notionally effect from 01.01.2006 with monetary benefits from 01.01.2007 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 04.01.2020, 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 04.01.2020, 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 04.01.2020, 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-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

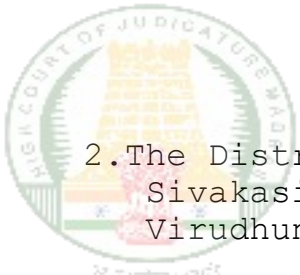
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NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

1. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

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



2.The District Educational Officer,
Sivakasi,
Virudhunagar District.

3.The Block Educational Officer-3,
Block Educational Office,
Sivakasi,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-8679[F] dated 04/03/2021)

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03.03.2021

VB (17.03.2021) 3P 5C