



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4699 of 2021

G.Kumaresan

...Petitioner

Vs.

1.The State of Tamilnadu,
Rep by its
Additional Chief Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort.St.George,
Chennai.

2.The Commissioner,
Madurai Municipal Corporation,
Madurai.

... 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/revise the scale of pay of the petitioner as Rs.5,200-20200+2400 in the post of helper in the second respondent corporation and further directing the second respondent to pay the difference of salary w.e.f 01.04.2013.

For Petitioner	: Mr.B.Saravanan
For R-1	: Mr.S.Dhayalan
	Government Advocate
For R-2	: Mr.R.Sethuraman

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/revise the scale of pay of him as Rs.5,200-20200+2400 in the post of Helper in the second respondent corporation and to pay the difference of salary w.e.f 01.04.2013 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.01.2021, 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 second respondent herein to consider the petitioner's representation dated 06.01.2021, 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 second respondent to consider the petitioner's representation dated 06.01.2021, 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 ()

// 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 Additional Chief Secretary to Government,
State of Tamilnadu,
Municipal Administration and Water Supply Department,
Fort.St.George, Chennai.

2. The Commissioner,
Madurai Municipal Corporation, Madurai.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-9568[F] dated 09/03/2021)

+1 CC to M/s.SPL GP (SR-9691[F] dated 09/03/2021)

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08.03.2021

SAR(CO)

KB(19.03.2021) 2P 5C

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