



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.5144 of 2021

M.P.Malathy

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Finance Department,
Fort St.George,
Chennai.

2.The District Collector,
Ramanathapuram District.

3.The District Revenue Officer,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to refix the petitioner's salary by granting the fitment benefit from 06.08.2009 onwards as per G.O.Ms.No.340 dated 26.08.2010.

For Petitioner : M/s.Porkodi Karnan
for M/s.Polex Legal Solutions

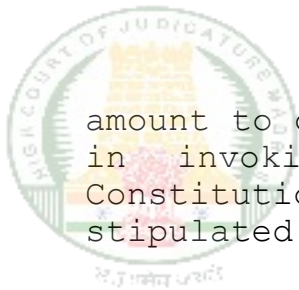
For Respondents : Mr.P.Kannithevan
Additional Government Pleader

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 refix her salary by granting the fitment benefit from 06.08.2009 onwards as per G.O.Ms.No.340 dated 26.08.2010 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 20.02.2021, 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 20.02.2021, 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 20.02.2021 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 (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

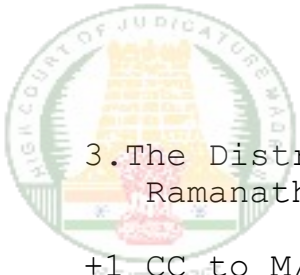
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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant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

To

1. The Secretary to Government,
State of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai.

2. The District Collector,
Ramanathapuram District.



3.The District Revenue Officer,
Ramanathapuram.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-9927[F] dated
10/03/2021)

+1cc to SPL GP Sr.No.10574

W.P. (MD) No.5144 of 2021
10.03.2021

VB (25.03.2021) 3P 6C