



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5633 of 2021

M.Vasantha

...Petitioner

Vs.

1.The Joint Secretary,
Pay Grievance Redressal Committee,
Ground Floor,
Govt.Data Centre,
Kotturpuram,
Chennai-600 025.

2.Social Welfare Commissioner,
Social Welfare Commissionerate,
Panagal Building, II Floor,
Jeenis Road,
Saidapet, Chennai-600 015.

3.The Superintendent,
Govt. Service Home Higher Secondary School,
Subramaniyapuram (East),
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second and third respondents to consider the petitioner's representation dated 23.11.2020 submitted in regard to rectification of the pay anomaly pursuant to the proceedings of the first respondent in his proceedings Letter No.3407/PGRC/2019-1 dated 28.08.2020 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Sankar

For Respondents : Mr.P.Mahendran
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 rectify the pay anomaly was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 23.11.2020, which is still pending.

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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 23.11.2020, 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 second respondent to consider the petitioner's representation dated 23.11.2020, in the light of the proposal forwarded by the first respondent dated 28.08.2020, 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-II)

// 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

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+1 CC to M/s.K.SANKAR, Advocate (SR-11426[F] dated 16/03/2021)
+1 CC to M/s.SPL GP (SR-12011[F] dated 17/03/2021)

W.P. (MD) No.5633 of 2021
15.03.2021

SDS (24.04.2021) 3P 6C