



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. [MD]No.6474 of 2021

WEB COPY

1.S.Poosari
2.S.Vajra Vadivel
3.V.Rajan
4.S.Pandian
5.Maragatham
6.T.Manjula
7.R.Jeyakumar
8.H.Jaffarullah Khan

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Secretariat,
Fort St. George, Chennai.

2.The Director,
Directorate of Animal Husbandry and
Veterinary Services,
DMS Compound,
Block II, Central Office,
Annasalai, Teynampet,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 01.01.2021 for creation of promotional avenue and revise the scale of pay of the petitioners on par with the other employees within the period that may be stipulated by this Court.

For Petitioners : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

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 for creation of promotional avenue and revise the scale of pay of the



petitioners on par with the other employees was not considered, the Writ Petition has been filed. According to the petitioners, they have made a joint representation in this regard on 01.01.2021, 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 respondents herein to consider the petitioners' representation dated 01.01.2021, 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 respondents to consider the petitioners' representation dated 01.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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 Principal Secretary to Government,
State of Tamil Nadu,
Animal Husbandry Dairying and Fisheries Department,
Secretariat,
Fort St. George, Chennai.

2.The Director,
Directorate of Animal Husbandry and
Veterinary Services,
DMS Compound,
Block II, Central Office,
Annasalai, Teynampet,
Chennai.

+1 CC to M/s.SPL GP (SR-13322[F] dated 24/03/2021)

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-13211[F] dated
24/03/2021)

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23.03.2021

KG (CO)

TR(19.04.2021) 3P 6C