



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6103 of 2021

K.Venkatachalam

...Petitioner

Vs.

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Department of Agriculture,
Secretariat, Chennai-600 009.

2.The Accountant General (Accounts & Entitlement),
No.361, Anna Salai,
Teynampet, Chennai-600 018.

3.The Director of Agriculture,
Ezhilagam,
Chepauk, Chennai-600 005.

4.The Joint Director of Agriculture,
Mariamman Koil Post,
Kattuthottam,
Thanjavur-613 501.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent i.e., the Director of Agriculture, Chennai to get the ratification of the Government for fixing the petitioner's pay on par with his Junior as per proceedings செ.மு.ஆ.எண்.௬௪௮1/58820/11 நாள் : 03.03.2015 of the Director of Agriculture Chennai and as per proceedings No. செ.மு.ஆ.எண்.௬௪௮1/9247/2010(1) நாள் : 06.10.2015 of the Joint Director of Agriculture, Thanjavur and to resubmit the proposals to the Accountant General, Chennai within a specified time frame and on receipt of the revised proposals the Accountant General, Chennai shall arrange to disburse the revised pensionary benefits within a specified time frame that may be fixed by this Court.

For Petitioner	: Mr.S.Visvalingam
For R-1, R-3 and R-4	: Mr.A.Muthukaruppan
	Additional Government Pleader
For R-2	: Ms.S.Mahalakshmi

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 get the ratification of the Government for fixing his pay on par with his junior was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 01.02.2021, 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 third respondent herein to consider the petitioner's representation dated 01.02.2021, 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 third respondent to consider the petitioner's representation dated 01.02.2021, 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 (CSII)

// 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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4.The Joint Director of Agriculture,
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Thanjavur-613 501.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-12129[F] dated
18/03/2021)

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TP (CO)

KB(15.04.2021) 3P 6C