



WEB COPY

WP(MD) No.6349 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6349 of 2021

and

W.M.P (MD) No.4949 of 2021

K.S.Kalyanasundaram

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (Pay Cell) Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Directorate of School Education Department,
Rep. by its Director,
School Education Department,
DPI Campus, Chennai-600 006.

3.The Chief Education Officer,
Palani Taluk,
Dindigul -624 615.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent department and second respondent Directorate to consider and to extend the benefits of G.O.Ms.No.321 dated 02.07.1998 whereby two additional increments were granted to Junior Assistant who had the degree qualification at the time of initial appointment in the light of the Government Letter No.2680/PC/2018-5 dated 19.09.2018 and other similarly orders issued by the first respondent department.

For Petitioner : Mr.V.Govardhanan
for Mr.S.Kannan

For Respondents : Mr.N.Shanmugaselvam
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 extend the benefits of G.O.Ms.No.321 dated 02.07.1998, whereby two additional increments were granted to Junior Assistant, who had the

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degree qualification at the time of initial appointment, in the light of the Government Letter No.2680/PC/2018-5, dated 19.09.2018, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 23.12.2019, 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 23.12.2019, 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 23.12.2019, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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.

<https://hccservices.gov.in/hccservices/>



To

1.The Principal Secretary,
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Chennai-600 009.

2.The Directorate of School Education Department,
Rep. by its Director,
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+1 CC to M/s.SPL GP (SR-13262[F] dated 24/03/2021)

W.P.(MD) No.6349 of 2021
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RK (28.04.2021) 3P 5C