



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8436 of 2020

M.Ravindran Mariappan

...Petitioner

Vs.

1.The Principal Secretary to Government,
Youth Welfare and Sports Development (YW),
Fort Saint George,
Chennai - 600 009.

2.The Deputy Director General of NCC,
NCC Directorate (TN.P & AN),
Fort Saint George,
Chennai - 600 009.

3.The Deputy Director State Cell,
NCC Directorate (TN.P & AN),
For Saint George,
Chennai - 600 009.

4.The Commanding Officer,
3 (TN) Naval Unit NCC,
401-A, South Cotton Road Lions Town,
Thoothukudi - 628 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to award Special Grade to the petitioner on counting his service of 25 years as a Boat Keeper at 3 (TN) Naval Unit NCC, Thoothukudi and to revise his salary, terminal benefits and pension and consequently direct the respondents to pay the arrears of salary, terminal benefits and pension to the petitioner along with the interest at the rate of 6% per annum with in a specified period as fixed by this Court.

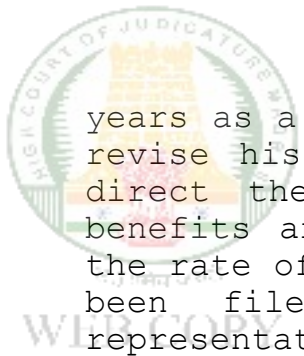
For Petitioner : Mr.S.Balaji

For Respondents: Mrs.J.Padmavathi Devi,
Special 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 award Special Grade to the petitioner on counting his service of 25



years as a Boat Keeper at 3 (TN) Naval Unit NCC, Thoothukudi and to revise his salary, terminal benefits and pension and consequently direct the respondents to pay the arrears of salary, terminal benefits and pension to the petitioner along with the interest at the rate of 6% per annum, were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 28.05.2020, 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 28.05.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 28.05.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks 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 (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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://hcservices.ecourts.gov.in/hcservices/>



To

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PU(CO)

NR (01/02/2021) 3P : 5C