



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.18557 of 2021

WEB COPY

I.Esakki

... Petitioner

Vs.

The District Livestock Farm,
Rep. by the Deputy Director of Animal Husbandry,
Abishekapatti,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay all the arrears of the salaries by re-fixing the scale of pay to the petitioner based on the petitioner's representation dated 19.01.2021.

For Petitioner : Mr.S.M.Mohan Gandhi

For Respondent : Mr.A.K.Manikkam,

Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the the respondent to pay all the arrears of the salaries by re-fixing the scale of pay to the petitioner based on the petitioner's representation dated 19.01.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he joined as Daily Wager in the respondent Livestock Farm on 02.02.1974 and retired on 31.03.2016 and his service was regularized pursuant to the direction issued by the Labour Court, Madurai, not from the date of his original appointment, but only from 08.07.1997. Thereafter, the petitioner made a claim petition, claiming difference of wages from 02.12.1979 to 31.12.1991 and the Labour Court directed the authorities to pay a sum of Rs.50,312/- along with interest at 18% and costs. However, the authorities have not paid the difference of wages from 01.01.1992 to 07.07.1997 as per



the award dated 31.1.1992 in I.D.No.143 of 1987 and also further period of difference of wages were not paid. Hence, the petitioner made several representations and finally, on 19.1.2021 and since no action was forthcoming from the respondent, the petitioner has come forward with the present Writ Petition, seeking to direct the respondent to dispose of the representation.

5. The learned Standing counsel would submit that if the representation is made within the limitation and still pending, the same would be considered.

6. Considering the submissions made by the learned counsel on either side and also considering the limited scope of prayer as sought by the petitioner, without expressing any opinion on merits, this Court directs the respondent to dispose of the representation made by the petitioner on 19.01.2021 in accordance with law and also as per the limitation aspect under the Act and pass appropriate orders within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

The Deputy Director of Animal Husbandry,
The District Livestock Farm,
Abishekapatti,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-32061[F] dated 21/10/2021)

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SAR(CO)

SP/SKN (19.11.2021) 2P 3C
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