



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P.(MD)No.19902 of 2020

P.Balakrishnan

: Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Principal Secretary,
Department of Backward, Most Backward and
Minority Welfare,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner,
Backward Welfare, Chepauk, Chennai - 600 005.

3.The District Backward-cum-
Minority Welfare Officer,
Tirunelveli, Tirunelveli District.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 to the petitioner and accordingly award Selection/Special Grade Scale of pay w.e.f 01.06.1988 and revision of pensionary benefits and pay arrears.

For Petitioner

:Mr.S.S.Thesigan

For Respondents

:Mr.S.Dhayalan

Government Advocate

ORDER

Since the petitioner's request to extend the benefits of G.O.Ms.No.216, Finance (Pay Cell) Department, dated 22.03.1993 to the petitioner and to award Selection/Special Grade Scale of pay w.e.f 01.06.1988 and revision of pensionary benefits and pay arrears, was not considered, the Writ Petition has been filed. According to the petitioner, he has made several representations in this regard on 30.01.2019, 10.06.2019 and 04.12.2019, which are still pending.

2.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.

3.In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 04.12.2019, 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.

4.The petitioner is at liberty to give an additional fresh representation together with all documents of which, he placed reliance and the first respondent shall consider the said additional representation also together with the original representation dated 04.12.2019, 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.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

- 1.The Principal Secretary,
The Government of Tamil Nadu,
Department of Backward, Most Backward and
Minority Welfare,
Fort St.George, Secretariat,
Chennai - 600 009.
 - 2.The Commissioner,
Backward Welfare, Chepauk, Chennai - 600 005.
 - 3.The District Backward-cum-
Minority Welfare Officer,
Tirunelveli, Tirunelveli District.
- +1 CC to M/s.SPL GP (SR-9172[F] dated 05/03/2021)

W.P.(MD)No.19902 of 2020

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MA (CO)

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