



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17312 of 2018

1.K.Chellan
2.A.Abdul Kaleel
3.Punitha
4.K.Malliga
5.Amirthalakshmi
6.S.Nirmala

...Petitioners

Vs

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 09.

2.The Director of Medical Education,
Kilpauk, Chennai - 10.

3.The Dean,
Government Medical College,
Dharmapuri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to revise the grade pay of the petitioners and to fix the grade pay as Rs.1650/- and to grant the arrears of grade pay by considering the representation of the petitioner dated 16.05.2017 within reasonable time.

For Petitioners: Mr.S.Sivakumar
For R1 : Mr.C.Selvaraj,
Additional Government Pleader
For R2 & R3 : Mr.Vadivelu Deenadayalan,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioners herein had given various representations between 03.07.2015 and 16.05.2017 seeking for revision of their grade pay and for the arrears of grade pay. Since the said representations were not considered, the present writ petition has been filed.



3. It is now represented by the learned counsel for the petitioners that pursuant to the petitioners' representation dated 16.05.2017, the third respondent herein had sought for certain clarifications to the second respondent on 23.01.2018 and the same is claimed to be pending.

4. It is needless to point out that whenever representations of this nature are 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.

5. In the light of the above observations, there shall be a direction to the second and third respondents herein to consider the petitioner's representation dated 16.05.2017 on its own merits and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

hvk

To

1.The Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Chennai - 09.

2.The Director of Medical Education,
Kilpauk, Chennai - 10.

3.The Dean,
Government Medical College,Dharmapuri.

+2 ccs to Mr.S.Sivakumar, Advocate Sr.NO. 5376

+1 cc to Government Pleader Sr.NO. 5644

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EV (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(09.02.2022)