



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.5547 OF 2016

V.K.Balakrishnan

...Petitioner

-Vs-

1. The Addl. Asst. Primary and
Educational Officer,
Mohanoor Sub-block-II, Mohanoor,
Namakkal District.

2. The Secretary,
Kandhasamy Kandar Middle School,
Nansei Edaiyar, P.Velur,
Namakkal District.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to revise the petitioner's pay as 1640-60-2600-75-2900 in selection grade and as 2000-60-2300-75-3200 in special grade and consequently direct the respondents 1 & 2 to pay the pension and commute the arrears of salary payable to the petitioner on the basis of his representation dated 01.04.2015, within the time frame as may be stipulated by this Court.

For Petitioner : Mr.C.Emalias

For R1 : Ms.P.Rajarajeswari,
Government Advocate

ORDER

The petitioner herein had given a representation on 01.04.2015 to the first respondent requesting for arrears of salary. Since the said representation was not considered, the present writ petition has been filed.

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. Since the representation given by the petitioner dates back to the year 2015, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the first respondent to consider the same, thereby securing the ends of justice.

4. At this juncture, the learned counsel for the petitioner would submit that in identical circumstances, this Court had passed similar orders supporting the claim made by the petitioners in the case of M.Swamikannu and others Vs. The State of Tamil Nadu, School Education Department and another passed in W.P.No.28817 of 2011, dated 25.04.2012.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the first respondent herein ventilating his grievances, along with a copy of the earlier representation dated 01.04.2015. On receipt of such a representation, the first respondent shall consider the same and pass appropriate orders, in the light of the orders passed by this Court in W.P.No.28817 of 2011, dated 25.04.2012 in the case of M.Swamikannu and others Vs. The State of Tamil Nadu, School Education Department and another, within a period of four (4) weeks from the date of receipt of the representation.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk



To

1. The Addl. Asst. Primary and Educational Officer,
Mohanoor Sub-block-II, Mohanoor,
Namakkal District.
2. The Secretary,
Kandhasamy Kandar Middle School,
Nansei Edaiyar, P.Velur,
Namakkal District.

+1cc to Mr.C.Emalias, Advocate, S.R.No.512
+1cc to the Government Pleader, S.R.No.1588

W.P.No.5547 of 2016

BS (CO)
PM/24/01/2022