



WP(MD)No.2774 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.07.2022**

CORAM:

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

W.P.(MD)No.2774 of 2020

Kaliyanandi

... Petitioner

/vs./

- 1.The State of Tamilnadu,
Represented by its Principal Secretary,
Department of Agriculture,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director of Agriculture,
Department of Director of Agriculture,
Chepauk,
Chennai – 600 005.
- 3.The Joint Director of Agriculture,
Collectorate Complex,
Virudhunagar Collectorate,
Virudhunagar – 626 002.
- 4.The Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents



WP(MD)No.2774 of 2020

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to revise the scale of pay through stepping up the pay of the petitioner on par with that of his far Junior P.T.Manimaran in the post of Deputy Agricultural Officer w.e.f. 01.01.2010 by giving two increments pursuant to the implementation of the instruction issued by the 1st respondent through his letter No.3062/AA4 (2)/2014-5, dated 11.12.2014 to one K.Ramalingam and 8 others who are similarly situated like the Petitioner and consequently to pay the difference scale of pay on par with his Junior P.T.Manimaran and also re-fix his Pension on the revised scale of pay and pay all attendant, monetary benefits, backwages, etc., with effect from the eligible date.

For Petitioner : Mr.V.R.Venkatesan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader (for R1 to R3)

Mr.P.Gunasekaran

ACGSC (for R4)

ORDER

The petitioner herein had given a representation to the respondents on 12.10.2019 seeking for fixation of pay on par with his junior Mr.P.T.Manimaran. Since the said representation was not considered, the present writ petition has been filed.



WP(MD)No.2774 of 2020

WEB COPY

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, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 12.10.2019 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.



WP(MD)No.2774 of 2020

WEB COPY

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

20.07.2022

Index : Yes / No

Internet : Yes / No

sm



WP(MD)No.2774 of 2020

WEB COPY

To:

- 1.The Principal Secretary,
Department of Agriculture,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director of Agriculture,
Department of Director of Agriculture,
Chepauk,
Chennai – 600 005.
- 3.The Joint Director of Agriculture,
Collectorate Complex,
Virudhunagar Collectorate,
Virudhunagar – 626 002.



WEB COPY



WP(MD)No.2774 of 2020

M.S.RAMESH, J.

Sm

Order made in
W.P.(MD) No.2774 of 2020

Dated:
20.07.2022