



W.P.(MD) No.13250 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.13250 of 2022

K.Sargunam

... Petitioner

Vs.

- 1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Department of Agriculture,
Secretariat, Chennai – 600 009.
- 2.The Director of Agriculture,
Ezhilagam, Chepauk,
Chennai – 600 005.
- 3.The Joint Director of Agriculture,
Near E.V.R. Polytechnic,
Thorapadi,
Vellore – 632 002.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd respondent i.e. the Joint Director of Agriculture, Vellore, to send proposals to the Director of Agriculture, Chennai, based on the Letter No.Ve.A.Pa1/60621/2022, dated 16.05.2022, of



W.P.(MD) No.13250 of 2022

the Director of Agriculture, Chennai, regarding re-fixation of the petitioner's pay and pension on par with his junior P.T.Manimaran for getting the orders of the Government, within a specified time frame, that may fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

2. The petitioner herein had given a representation to the respondents on 03.04.2019 seeking re-fixation of the petitioner's pay and pension on par with his junior P.T.Manimaran. Since the said representation was not considered, the present writ petition has been filed.

3. 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.



W.P.(MD) No.13250 of 2022

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.

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 03.04.2019 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

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

27.06.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

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3/5



W.P.(MD) No.13250 of 2022

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W.P.(MD) No.13250 of 2022

M.S.RAMESH,J.

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