



W.P.(MD).No.15932 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.15932 of 2022

G.M.Govindharajan

... Petitioner

Vs.

1.The Director General of Border Roads,
Seema Sadak Bhawan,
Ring Road,
Delhi Cantt,
New Delhi – 10.

2.The Chief Engineer,
HQ CE (P) Shivalik,
Pin 931 718,
C/o.56 APO.

3.The Commanding Officer,
72, Road Construction Company,
C/o.56 APO,
PIN – 931 718.

4.The Officer Commanding,
402, RMPL GREF C/o.56 APO,
Care 72, Road Construction Company,
GREF C/o.56 APO.



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5.The Principal Controller of Defense Accounts Officer (PCDA),
O/o. The Principal Controller of Defense (PCD) (Pension),
Draupadighat,
Allahabad,
Uttar Pradesh State,
Pin – 211 014.

6.The Branch Manager,
Canara Bank,
Aduthurai Branch,
Aduthurai,
Kumbakonam Taluk,
Thanjavur District – 621 101.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 5 to revised the petitioner's pay fixation as per 3rd Pay Commission Revised Pay Rules 1973 and furthermore directed the respondents to pay all the arrears of financial benefits from 01.01.1973 with 12 % interest to the petitioner within the time frame fixed by this Court.

For Petitioner : M/s.C.Kayalvizhi

For Respondents : Mrs.L.Victoria Gowri,

Assistant Solicitor General of India.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.



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2. The petitioner herein had given a representation to the respondents 1 to 4 on 12.08.2021 seeking to revise the pay fixation of the petitioner as per 3rd Pay Commission Revised Pay Rules, 1973 and to pay all the arrears of financial benefits from 01.01.1973 with interest. 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. 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 fourth respondent herein to consider the petitioner's representation, dated 12.08.2021, 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



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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. There shall be no order as to costs.

22.07.2022

Index : Yes / No
Internet : Yes/ No
Lm/btr

To

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M.S.RAMESH, J.

Lm/btr

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