



WP(MD)No.15781 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM:

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

W.P.(MD)No.15781 of 2022

S.Janaki

... Petitioner

/vs./

1.The State of Tamilnadu,  
Rep by its Secretary,  
Department of Differently Abled  
Fort St.George,  
Chennai-600 009.

2.The State Commissioner,  
for Welfare of the Differently Abled,  
No.5, Kamarajar Salai,  
Lady Wellington College Campus,  
Chennai-600 005.

3.The District Differently Abled Welfare Officer,  
Collectorate Office Campus,  
Kanyakumari District-629 001.

4.The Correspondent,  
C.S.I School for the Blind  
Irenepuram,  
Kanyakumari District-629 162.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent herein to sanction forthwith all monetary and other benefits to the petitioner in the BT Assistant scale w.e.f., 18.12.2010 to 30.06.2015 within a reasonable time in the light of the recommendation of the third respondent in Na.Ka.No.2757/a/2018 dated 08.11.2018.

For Petitioner : M/s.A.Amala

For R1 to R3 : Mr.S.Shaji Bino

Special 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 second respondent on 06.01.2021 requesting to sanction all monetary and other benefits w.e.f., 18.12.2010 to 30.06.2015 in the BT Assistant scale of pay. Since the said representation was not considered, the present writ petition has been filed.



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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 second respondent herein to consider the petitioner's representation dated 06.01.2021, in the light of the recommendation made by the third respondent in Na.Ka.No.2757/a/2018 dated 08.11.2018, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.



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

**21.07.2022**

Index : Yes / No  
Internet : Yes / No  
cp

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Chennai-600 009.
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for Welfare of the Differently Abled,  
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**M.S.RAMESH, J.**

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Order made in  
W.P.(MD) No.15781 of 2022

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