



WP(MD)No.16020 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.07.2022**

CORAM:

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

W.P.(MD)No.16020 of 2022

A.Ulaganathan

... Petitioner

/vs./

1.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Fort St.George,
Chennai-600 009.

2.The Transport Commissioner,
Ezhilagam,
Chepauk,
Chennai-600 005.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Deputy Transport Commissioner,
Deputy Transport Commissioner Office,
Tirunelveli District, Tirunelveli.

5.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli District, Tirunelveli.

... 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 respondents to fix selection grade of pay as per letter No.63305/Pay cell/2010-1, dated 08.11.2010 and G.O Ms.No.65 Finance (Pay Cell) Department, dated 26.02.2011 issued by the first respondent and to pay the arrears at the rate of Rs.9300-34800 Plus (Grade Pay) 4200 with effect from 23.10.2009 by considering the petitioner's representation.

For Petitioner : Mr.K.Anand
For Respondents : Mr.R.Ragavendran,
Government Advocate

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 fourth respondent on 01.02.2022 seeking to grant the selection Grade Pay of Rs.9300-34800 plus (Grade pay) 4200. 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 petitioner to give a fresh representation to the first respondent, though he has made a representation, dated 01.02.2022, seeking to grant the selection Grade Pay of Rs.9300-34800 plus (Grade pay) 4200. On receipt of such representation, the first respondent herein are directed to consider the same, 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 fresh representation. 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



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5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes / No
btr/lm

To

- 1.The Principal Secretary to Government,
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M.S.RAMESH, J.

btr/lm

5.The Dean,
Tirunelveli Medical College Hospital,
Tirunelveli District, Tirunelveli.

Order made in
W.P.(MD)No.16020 of 2022

Dated:
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