



WP(MD)No.16167 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM:

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

W.P.(MD)No.16167 of 2022

K.Elumalai

... Petitioner

/vs./

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Public Works Department,
Secretariat,
Fort St.George,
Chennai-600 009.
- 2.The Principal Chief Engineer (WRO)
cum Chief Engineer (PWD),
Public Works Department,
Chepauk,
Chennai-600 005.
- 3.The Superintending Engineer,
Madurai Periyaru Vaigai Basin-Division,
(PWD/WRO),
Madurai-1.

... 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 first respondent to bring the petitioner under the Time Scale of pay by considering the petitioner's representation, dated 23.06.2022, within a time frame as fixed by this Court.

For Petitioner : Mr.P.Santhana Krishnan
For Respondents : Mr.G.Suriyananth
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 23.06.2022 seeking to bring him under the Time Scale of pay. 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-



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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 first and second respondents herein to consider the petitioner's representation dated 23.06.2022 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.

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

25.07.2022

Index : Yes / No
Internet : Yes / No
btr

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M.S.RAMESH, J.

btr

Order made in
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Dated:
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