



WP(MD)No.19169 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2022**

CORAM:

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

W.P.(MD)No.19169 of 2022

M.Nedunchezhiyan

... Petitioner

/vs./

- 1.State of Tamil nadu,
rep., by its Principal Secretary,
Department of Health and Family Welfare,
Fort St.George, Chennai -9.
- 2.The Principal Secretary/Commissioner of Indian
Medicine and Homeopathy,
O/o., the Principal Secretary/Commissioner of
Indian Medicine and Homeopathy,
Arumbakkam, Chennai -106.
- 3.The Principal,
Government Siddha Medical College,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction annual increment to the petitioner which fell due on 01.01.2016 by considering the service rendered by the petitioner from 01.01.2015 to 31.12.2015 in accordance



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with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix the pension of the petitioner with all consequential benefits within the time stipulated by this Court.

For Petitioner : Mr.G.Anto Prince
For Respondents : Mr.R.Ragavendran (for R1 to R3)
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 27.01.2022 seeking for sanction of his annual increment that fell due on 01.01.2016 by considering the service rendered by him from 01.01.2015 to 31.12.2015 in accordance with the Rule 26(a) Appendix (ix) of the Fundamental Rules and re-fix his pension with all consequential benefits. 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 third respondent herein to consider the petitioner's representation dated 27.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.

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Index : Yes / No

Internet : Yes / No

Rmk



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M.S.RAMESH, J.

Rmk

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Order made in
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