



WP(MD)No.19124 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2022**

CORAM:

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

W.P.(MD)No.19124 of 2022

E.Murugaesan

... Petitioner

/vs./

- 1.The Secretary to Government,
Law Department,
Government of Tamil Nadu,
The Secretariat, St.George Fort,
Chennai 600 009.
- 2.The Director of Legal Studies,
O/o. Directorate of Legal Studies,
Kelleys, Chennai-10.
- 3.The Principal,
Government Law College,
Ramanathapuram.
- 4.The Principal,
Government Law College,
Madurai.
- 5.C.Anitha Fabiyola
Assistant Professor,
Dr.Ambedkar Government Law College,
Chennai, situated at Pattaraiperumpudur,
Thiuruvallur District.

... 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 1 and 2 to rectify the pay anomaly of junior getting more pay than senior and re-fix the petitioner's pay scale as Rs.98,300/- at entry-11 in level-13 on par with the fifth respondent's pay scale by considering the petitioner's representations dated 21.09.2021 and 12.05.2022.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.S.Shaji Bino (For R1 to R4)
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 respondents on 12.05.2022 seeking to rectify the pay anomaly and re-fix the his pay scale. 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 12.05.2022 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 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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M.S.RAMESH, J.

Rmk

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

22.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

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Law Department,
Government of Tamil Nadu,
The Secretariat, St.George Fort,
Chennai 600 009.

2.The Director of Legal Studies,
O/o. Directorate of Legal Studies,
Kelleys, Chennai-10.

3.The Principal,
Government Law College,
Ramanathapuram.

4.The Principal,
Government Law College,
Madurai.

Order made in
W.P.(MD) No.19124 of 2022