



WP(MD)No.19962 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.08.2022**

CORAM:

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

W.P.(MD)No.19962 of 2022

N.Babu

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Public Works Department,
St. George Fort, Chennai - 600 009.
- 2.The Engineer in Chief and Chief Engineer (General),
Water Resource Organisation,
Public Works Department,
Chennai - 600 005.
- 3.The Chief Engineer,
Water Resource Organisation,
Public Works Department,
Madurai Region, Madurai – 625 002.
- 4.The Superintending Engineer,
Water Resource Organisation,
Thamiraparani Basin Circle,
Tirunelveli – 627 002.
- 5.The Executive Engineer,
Water Resource Organisation,
Kodayar Basin Division,



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Public Works Department,
Nagercoil – 639 001.

6.The Assistant Executive Engineer,
Water Resource Organisation,
Kodayar Basin Division,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to fix petitioner's wages equivalent to the basic pay at the minimum of the pay scale applicable to the post of Sweeper / Scavenger with Dearness Allowance thereupon applicable from time to time, by extending the benefit of G.O.Ms.No.137, Public Works (C2) Department, dated 13.09.2019 and G.O.Ms.No.233 Public Works (C2) Department, dated 06.12.2019, by considering the petitioner representation dated 21.03.2021, within a time stipulated by this Honourable Court and

For Petitioner : Mr.C.Kishore

For Respondents : Mr.G.Suriyananth

Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.



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2.The petitioner herein had given a representation to the respondents on 21.03.2021 seeking for equivalent wages to the basic pay at the minimum pay scale applicable to the post of Sweeper / Scavenger with Dearness Allowance thereupon applicable from time to time, by extending the benefit of G.O.Ms.No. 137, Public Works (C2) Department, dated 13.09.2019 and G.O.Ms.No.233, Public Works (C2) Department, dated 06.12.2019. 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-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.



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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 21.03.2021, 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. No costs.

26.08.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

Sm

Order made in
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Dated:
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