

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.20018 of 2022

1.R.Muthukrishnan

2.P.Selvan

3.R.Rajendran

4.N.Mayilvahanan

5.R.Muniyandi

6.K.Rajeswari

... Petitioners

Vs.

1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

2.The Director of Adi Dravidar and Tribal Welfare,
Chepauk,
Chennai – 600 005.

3.The District Adi Dravidar Welfare Officer,
Collectorate Complex,
Madurai – 625 020.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai to pass appropriate orders on the petitioner's representations dated 18.07.2019 so as to bring all of them into the regular time scale of pay on par with Thiru.K.Murugesan i.e., with effect from 17.03.2003 so as to avoid the differentiation and discrimination and so that the petitioners may also get the Old Pension Scheme on par with Thiru.K.Murugesan, within a specified time frame.

For Petitioners : Mr.S.Visvalingam
For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioners herein had given representations to the respondents on 18.07.2019 seeking to bring the petitioners into regular time scale of pay on par with Thiru.K.Murugesan, with effect from 17.03.2003. Since the said representations were 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.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioners' representations, dated 18.07.2019, 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 petitioners 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.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Adi Dravidar and Tribal Welfare,
Chepauk,
Chennai – 600 005.
- 3.The District Adi Dravidar Welfare Officer,
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M.S.RAMESH, J.

Lm

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