



WP(MD)No.20264 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2022**

CORAM:

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

W.P.(MD)No.20264 of 2022

S.Buvaneshwari,
Assistant,
Office of the Assistant Director of Seed Certification & Organic Certification,
1683, Thondi Road,
Sivagangai-630 561. ... Petitioner

/vs./

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Finance Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Agriculture,
Chepauk, Chennai-600 005.
- 3.The Director,
Directorate of Seed Certification & Organic Certification,
SIDCO Electronic Complex,
Block-3, 3rd Floor,
Guindy, Chennai-600 032.
- 4.The Assistant Director of Seed Certification & Organic Certification,
1683, Thondi Road,
Sivagangai-630 561.



WP(MD)No.20264 of 2022

WEB COPY

5.The Secretary,
Tamil Nadu Public Service Commission,
Tamil Nadu Public Service Commission Road,
V.O.C. Nagar, Park Town,
Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to sanction and accord Higher start of pay at two stages above the minimum of scale of pay for possessing degree qualification at the time of selection by the fourth respondent based on G.O.Ms.No.321 Finance (Pay Cell) Department, dated 02.07.1998 and G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 and pass any such further or other orders as this Court.

For Petitioner : M/s.D.Srinivasaragavan
For R-1 to R-4 : Mr.G.Suriyananth
Additional Government Pleader
For R-5 : Mr.J.Anand Kumar
Standing Counsel

ORDER

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



WP(MD)No.20264 of 2022

WEB COPY

2. The petitioner herein had given a representation to the respondents on 10.09.2020 seeking to sanction and accord Higher start of pay at two stages above the minimum of scale of pay for possessing degree qualification at the time of selection by the fourth respondent based on G.O.Ms.No.321 Finance (Pay Cell) Department, dated 02.07.1998 and G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009. 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.



WP(MD)No.20264 of 2022

WEB COPY

4. In the light of the above observations, there shall be a direction to the petitioner to give a fresh representation to the respondents, though he has made a representation, dated 10.09.2020, seeking to sanction and accord Higher start of pay at two stages above the minimum of scale of pay for possessing degree qualification. On receipt of such a representation, the respondents herein are directed to consider the same, 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 fresh representation. 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.

30.08.2022

Index : Yes / No
Internet : Yes / No
btr/cp



WP(MD)No.20264 of 2022

WEB COPY

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Finance Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Agriculture,
Chepauk,
Chennai-600 005.
- 3.The Director,
Directorate of Seed Certification & Organic Certification,
SIDCO Electronic Complex,
Block-3, 3rd Floor,
Guindy, Chennai-600 032.
- 4.The Assistant Director of Seed Certification & Organic Certification,
1683, Thondi Road,
Sivagangai-630 561.
- 5.The Secretary,
Tamil Nadu Public Service Commission,
Tamil Nadu Public Service Commission Rd,
V.O.C. Nagar, Park Town,
Chennai-600 003.



WEB COPY



WP(MD)No.20264 of 2022

M.S.RAMESH, J.

btr/cp

Order made in
W.P.(MD)No.20264 of 2022

Dated:
30.08.2022