



W.P.(MD) No.20196 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20196 of 2022

A.Thomas Felix,
Assistant Professor,
Dr.Kalaingar Government Arts College,
Kulithalai,
Tiruchirappalli District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education (K1) Department,
Secretariat, Chennai-9.

2.The Director,
Directorate of Collegiate Education,
College Road,
Chennai-6.

3.The Principal,
Government Arts College,
Kulithalai,
Tiruchirappalli District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to
issue a writ of Mandamus, directing the second and third respondents to revise



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the petitioner's scale of pay (level 11-12) under Career Advancement Scheme taking into consideration of the petitioner's service and disburse the same along with it's arrears by considering the representation submitted through proper channel dated 09.05.2022 and 30.05.2022 to the third respondent herein and representation dated 20.08.2022 to the second respondent herein within a period that may be stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali
for Dr.R.Ramachandran

For Respondents : Mr.A.Kannan
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 representations to the respondents 2 and 3 on 09.05.2022, 30.05.2022 and 20.08.2022 seeking to revise his scale of pay (level 11-12) under Career Advancement Scheme. Since the said representations were 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 respondents 2 and 3 herein to consider the petitioner's representations dated 09.05.2022, 30.05.2022 and 20.08.2022 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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5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index : Yes / No

Speaking Order/ Non Speaking Order

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To

- 1.The Secretary to Government,
Higher Education (K1) Department,
Secretariat, Chennai-9.
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- 3.The Principal,
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M.S.RAMESH,J.

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