



W.P.No.4483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4483 of 2023

R.Jayapal

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Education Department,
Secretariat, Chennai – 9.
- 2.The Director of Elementary Education,
College Road, Chennai – 06.
- 3.The District Educational Officer,
Ariyalur, Ariyalur District.
- 4.The Block Educational Officer,
Senthurai Union, Ariyalur District.
- 5.Gandhi Kala Nilayam Aided Middle School,
Rep. by its Secretary,
Veerakkan, Sendurai Union,
Ariyalur.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to disburse arrears of salary to the petitioner and accordingly revise the



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scale of pay of the petitioner, by implementing the order passed in Na.Ka.No.1770/ A2/2022, dated 04.07.2022 within the time frame fixed by this Court.

For Petitioner : Mr.S.N. Ravichandran

For Respondents : M/s.M.Jayanthy,
Additional Government Pleader

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the third respondent on 06.01.2023, seeking for disbursement of arrears of salary and revision of scale pay. 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



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Court will be justified in invoking its extraordinary powers under Article 226 of the 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 third respondent herein, to consider the petitioner's representation dated 06.01.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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 respondents to consider the same on its own merits.

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

21.02.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.



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To

1. Secretary to Government of Tamil Nadu,
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