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W.P.No.5657 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5657 of 2022

and

W.M.P.No.5744 of 2022

1.M.Anbalagan
2.N.Muruganandan
3.A.Senthilkumaran
4.S.Muniammal
5.K.Kannan
6.Dr.R.Shankar Shamugam
7.Shobana
8.M.Chellapondi
9.D.Anandhi
10.Jayanthi Ravikumar

...Petitioners

Vs

1.The Principal Secretary to Government,
Health and Welfare Department,
Fort St. George,
Chennai - 09.

2.The Additional Chief Secretary to Government,
Finance Department,
Fort St. George,
Chennai - 09.

3.The Director of Medical Education,
Periyar EVR High Rad,
Kilpauk, Chennai - 10.



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4.The Secretary,
Indian Nursing Council,
VIII Floor,
NBCC Centre,
Plot No.2, Community Centre,
Okhla Phase-I,
New Delhi - 110 020.

5.The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
Chennai -32.

6.The Member Secretary,
University Grants Commission,
Bahdursha Zafar Marg,
New Delhi - 110 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 09.08.2021 and consequently, revise the scale of pay of Nursing Faculty of Government Nursing Colleges for Lecturer at Rs.15600-39100+6000 with effect from 01.01.2006 in the pre-revised scale and Rs.51700-182400 in the revised scale as on 01.01.2016, Reader in Nursing/Associate Professor at Rs.37400-67,000+8900 with effect from 01.01.2006 in the pre-revised scale and Rs.123600-216600 in the revised scale as on 01.01.2016.



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For Petitioner : Mr.A.S.Sivakumar

For Respondents : Mr.M.Alagu Gowtham
Government Advocate for R1 to R3

Mr.B.Deepak Narayan for R4

M/s.Ramanujam Associates for R5

Mr.P.R.Gopinathan for R6

ORDER

Heard Mr.A.S.Sivakumar, learned counsel for the petitioners, Mr.M.Alagu Gowtham, learned Government Advocate for the respondents 1 to 3, Mr.B.Deepak Narayan, learned counsel for the 4th respondent, M/s.Ramanujam Associates for R5 and Mr.P.R.Gopinathan, learned counsel appearing for the 6th respondent.

2.The petitioners herein had given a representation to the 1st respondent on 09.08.2021 to revise the scale of pay of Nursing Faculty of Government Nursing Colleges for Lecturer at Rs.15600-39100+6000 with effect from 01.01.2006 in the pre-revised scale and Rs.51700-182400 in the revised scale as on 01.01.2016, Reader in Nursing/Associate Professor at Rs.37400-67,000+8900 with effect from



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01.01.2006 in the pre-revised scale and Rs.123600-216600 in the revised scale as on 01.01.2016. Since the said representation was not considered, the present Writ Petition has been filed.

3.The University Grants Commission/6th respondent has filed their counter affidavit, in which they stated that the date of implementation of the revision of pay shall be 01.01.2006 and as such, the petitioners' prayer requires to be allowed.

4.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 him 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 the Constitution of the India and direct them to consider the same within a stipulated time.

5.In the light of the above observations, there shall be a direction to



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the respondents 1 and 3 herein to consider the petitioner's representation dated 09.08.2021, as per G.O.Ms.No.299, Law (LS) Department, dated 10.11.2018 and G.O.Ms.No.14, Agriculture (AV) Department, dated 22.01.2018, and pass appropriate orders in accordance with law, within a period of three 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 made by the petitioners and that it is open to the concerned respondents to consider the same on its own merits.

With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

mps



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M.S. RAMESH,J.

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