



WEB COPY



W.P.No.5277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5277 of 2023

P. Arasakumaran

... Petitioner

Vs.

1.The Principal Secretary to Government cum
Agricultural Production Commissioer,
Government of Tamil Nadu,
Fort St. George, Chennai.

2.The Chief Engineer,
Agricultural Engineering Department,
No.482, Anna Salai,
Nandanam, Chennai – 35.

3.The Superintendent Engineer,
Agricultural Engineering Department,
Salem.

4.The Executive Engineer,
Agricultural Engineering Department,
Collectorate Campus,
Krishnagiri.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fix the pay of the petitioner as per the 7th pay commission scales



W.P.No.5277 of 2023

retrospectively with effect from 01.01.2016 on a notional basis and grant arrears from 01.10.2017 and consequently revise his subsistence allowances and pay the same along with arrears.

For Petitioner : Mr.V. Vijay Shankar

For Respondents : Mr.V. Stalin Abhimanyu,
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 representation to the respondents on 01.11.2021, seeking for fixation of his pay with effect from 01.01.2016 in the VIIth Pay Commission scales with actual arrears from 01.10.2017. 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



W.P.No.5277 of 2023

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 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 petitioner's representation dated 01.11.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 first respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

23.02.2023

Index: Yes/No

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W.P.No.5277 of 2023

M.S.RAMESH, J.

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To

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