



W.P.No.5285 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5285 of 2023

E.Usha

...Petitioner

Vs

The Commissioner of Tourism,
Tourism Department,
Tourism Complex,
No.2, Wallajah Road,
[Near D-1 Police Station]
Chennai – 600 002.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 09.09.2022 and disburse the arrears of 5% of the basis pay as Personal Pay, as per G.O.No.143, Finance [Salary] Department dated 03.06.2014.

For Petitioner : Mr.K.R.Nishanth



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ORDER

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Heard Mr.K.R.Nishanth, learned counsel for the petitioner. Since an order for direction to dispose of the petitioner's representation would not cause prejudice to the respondent, notice to the respondent is dispensed with.

2. The petitioner herein had given a representation to the respondent on 09.09.2022, seeking for a direction to disburse the arrears of personal pay, as per G.O.No.143 Finance [Salary] Department, dated 03.06.2014. 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



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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 respondent herein to consider the petitioner's representation dated 09.09.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 respondent to consider the same on its own merits.

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

22.02.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

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