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W.P.No.5662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5662 of 2023

R.Vijilamary

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Transport Department, Secretariat,
Fort St. George, Chennai - 600 009.
- 3.The Commissioner,
Directorate of Technical Education,
Guindy, Chennai - 600 025.
- 4.The Director,
Institute of Road Transport,
Taramani, Chennai - 600 113.
- 5.All India Council for Technical Education,
C8, 8436, Gate No.4,
Opposite Ryan International School,
Vasant Kunj, New Delhi – 110 070.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders granting the benefit of revision of pay with appropriate Academic Grade Pay in the post of Lecturer in Maths in the 4th respondent Polytechnic College in accordance with VI Pay Commission as implemented in G.O.Ms.No.111, Higher Education Department, dated 25.05.2010 and the VII Pay Commission as implemented in G.O.Ms. No.20, Higher Education Department, dated 14.01.2020, including upgradation as Senior Lecturer/Head of Department with corresponding fixation of pay with payment of arrears of salary with consequential retirement benefits, in consideration of the representation lastly submitted by the petitioner dated 16.12.2022.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For R1 to R4 : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

ORDER

Heard Mr.G.Sankaran, learned Senior Counsel appearing for the petitioner and Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader for the respondents 1 to 4.



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2. Since an order directing the official respondents to dispose of the representations of the petitioner would not cause prejudice to the fifth respondent, notice to the fifth respondent is hereby dispensed with.

3. The petitioner herein had given representations to the fourth respondent on 16.12.2022 and 13.02.2023, seeking for revision of pay with appropriate academic grade pay in the post of Lecturer in Maths, including upgradation as Senior Lecturer/Head of the Department with corresponding fixation of pay, together with arrears and other retirement benefits. Since the said representations were not considered, the present writ petition has been filed.

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 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.

5. In the light of the above observations, there shall be a direction to the second and fourth respondents herein to consider the petitioner's representations dated 16.12.2022 and 13.02.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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.

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

27.02.2023

Index:Yes/No
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To

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M.S.RAMESH,J.

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