



WEB COPY



W.P.No.11798 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11798 of 2022

Tamilnadu Kalnadai Paramarippu Uthaviyalar Munetra Sangham,
represented by its Secretary V.Jayapal

S/o.Velusamy

460, Kamarajar Nagar, Opposite Veterinary Hospital,
Periyanaicken Palayam, Coimbatore-641 020.

...Petitioner

Vs

1. The State of Tamil Nadu represented by its
The Additional Chief Secretary to Government,
Animal Husbandry & Fisheries Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.

2. The State of Tamil Nadu represented by its
Principal Secretary to Government,
Finance Department, Government of Tamil Nadu,
Fort St.George, Secretariat, Chennai-600 009.

3. The Director,
Office of Director of Animal Husbandry and Veterinary Services,
Integrated Animal Husbandry &
Fisheries Department Office Complex,
571, Anna Salai, Chennai-600 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of
India to issue a Writ of Mandamus directing the respondents to



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categorise the Animal Husbandry Assistant posts as the skilled government service posts and re-fix the scale of pay of the Members of the Petitioner's Association with promotional and monetary benefits by strictly implementing the VII Pay Commission Report in respect of the post of Animal Husbandry Assistant under the category of Other Trade Posts as G.O.Ms.No.338, Finance (Pay Cell) Department dated 26.08.2010 and to provide all the arrears accruing.

For Petitioner : Mr.L.Muruganandham

For Respondents : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

Heard Mr.L.Muruganandham, learned counsel for the petitioner and Mr.P.Sanjay Gandhi, learned Government Advocate for the respondents.

2. The petitioner herein has given a representation to the respondents on 04.01.2022 seeking for a direction to categorise the Government Animal Husbandry Assistant Posts as the skilled government service posts and to re-fix the scale of pay. Since the said representation was not considered, the present writ petition has been filed.



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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 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 first respondent herein to consider the petitioner's representation dated 04.01.2022 on its own merits 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, after giving opportunity to all the concerned parties. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners and that it is open to the first respondent to consider the same on its own merits.



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M.S.RAMESH,J.,

SR

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

No costs.

01.06.2023

Index: Yes/No

Speaking order/Non-speaking order

sr

To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Animal Husbandry & Fisheries Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
2. The State of Tamil Nadu represented by its
Principal Secretary to Government,
Finance Department, Government of Tamil Nadu,
Fort St.George, Secretariat, Chennai-600 009.
3. The Director,
Office of Director of Animal Husbandry and Veterinary Services,
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