



W.P.No.11531 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11531 of 2023

P.Mathiyalagan

... Petitioner

Vs

1.The State represented by
Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

2.The District Collector,
Salem District,
Salem.

3.The Project Director,
District Tribal Welfare Office,
Salem District,
Salem.

4.The Head Master,
GTR Higher Secondary School,
Karumandhurai,
Salem.

... Respondents

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



W.P.No.11531 of 2023

the arrears of salary and other mandatory benefits and consequently transfer and post the petitioner in any one of the School/Hostel in Salem District under the Tribal Welfare Department based on the petitioner's representation dated 28.11.2022.

For Petitioner : Ms.S.Vinodha

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader
for R1 to 3

ORDER

Heard Ms.S.Vinodha, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for respondents 1 to 3.

2.The petitioner herein had given a representation to the respondents on 28.11.2022 for disbursement of arrears of salary. 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 him to



W.P.No.11531 of 2023

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 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 respondents herein to consider the petitioner's representation dated 28.11.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.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 respondents to consider the same on its own merits.



W.P.No.11531 of 2023

M.S.RAMESH,J.

vga

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

No costs.

12.06.2023

Index:Yes/No

Speaking order/Non-speaking order

vga

To

1.The State represented by
Secretary to Government,
Adi Dravidar & Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

2.The District Collector,
Salem District,
Salem.

3.The Project Director,
District Tribal Welfare Office,
Salem District,
Salem.

W.P.No.11531 of 2023