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W.P.No.11346 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11346 of 2023

M.Sekar

...Petitioner

Vs

1.The Government of Tamil Nadu
rep. by its Secretary,
Adi Dravidar Welfare Department,
Secretariat, Chennai-600 009.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk,
Chennai-600 005.

3.The District Welfare Officer,
Adi Dravidar Welfare Department,
Namakkal.

4.The Headmaster,
Government Adi Dravidar Welfare High School,
A. Palapatti, Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to declare the petitioner successful completion of probation from the due date and to sanction the petitioner the annual increments, with corresponding pay revision and fixation and all other monetary and consequential benefits, on par with and as given to K.Thangavelu,



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Craft Teacher-Handloom Weaving, who is working at Government GTR Higher Secondary School, Valavandhinadu, Kolli Hills, Namakkal District, based on the petitioner's representations dated 21.04.2016, 13.10.2022 and 18.02.2023.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.S.Prabhakaran, GA
Nos.1 to 3

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondents 1 to 3 on 21.04.2016, 13.10.2022 and 18.02.2023 respectively seeking them to declare the petitioner's successful completion of probation from the due date and to sanction him the annual increments, with corresponding pay revision and fixation and all other monetary and consequential benefits, on par with and as given to K.Thangavelu, Craft Teacher-Handloom Weaving, who is working at Government GTR Higher Secondary School, Valavandhinadu, Kolli Hills, Namakkal District. Since the said representations were not considered, the present Writ Petition has



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been filed.

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3. It is needless to point out that whenever representations 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 representations 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 second respondent herein to consider the petitioner's representations dated 21.04.2016, 13.10.2022 and 18.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.



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5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index:Yes/No

Order: Speaking/Non-speaking

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To

- 1.The Secretary,
Government of Tamil Nadu
Adi Dravidar Welfare Department,
Secretariat, Chennai-600 009.
- 2.The Director,
Adi Dravidar Welfare Department,
Chepauk,
Chennai-600 005.
- 3.The District Welfare Officer,
Adi Dravidar Welfare Department,
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M.S.RAMESH,J.

DP

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