



WEB COPY



W.P.No.127 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.127 of 2018

B.Ramesh

...Petitioner

Vs

1. Director of Agriculture,
Chepauk, Chennai - 5.

2. Joint Director of Agriculture,
Lawley Road, Coimbatore - 13.

3. Assistant Director of Agriculture,
Pollachi-South,
Pollachi - 642 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to implement the revised pay scale to the petitioner at Rs.26,980 + 5,400 = Rs.32,380/- w.e.f. 01.04.2013 as per the 2nd respondent's proceedings issued in Ref.No.A1/1344/2011 (4) dated 13.12.2013 in terms of the G.O.237 Finance (Pay Cell) dated 22.07.2013 and pay all the arrears accrued thereon with interest @ 12% per annum till the date of payment to the petitioner.



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For Petitioner : No Appearance

For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to implement the revised pay scale to the petitioner with effect from 01.04.2013, in terms of G.O.Ms.No.237, Finance (Pay Cell) Department, dated 22.07.2013 and to pay all the arrears accrued thereon with interest. In this regard, the petitioner had given representations on 27.10.2017 and 24.11.2017 to the respondents. The said representations have not been considered by the respondents till date.

2. 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



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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.

3. Since the representations given by the petitioner dates back to the year 2017, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, along with copies of the earlier representations dated 27.10.2017 and 24.11.2017 ventilating his grievances. On receipt of such a representation, the respondents shall consider it and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and it is



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open to the respondents to consider it on its own merits.

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

No costs.

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Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

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Lawley Road, Coimbatore - 13.
- 3.The Assistant Director of Agriculture,
Pollachi-South,
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M.S.RAMESH,J.

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