



W.P.(MD).No.7195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.(MD).No.7195 of 2023

J. Swaminathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Finance (CMPC) Department,
Fort St. George, Chennai – 09.

2.The Joint Director (Vocational) of School Education,
College Road, Chennai – 06.

3.The Principal Accountant General (G&SSAR),
“Lekha Pariksha Bhavan”
No.361, Anna Salai,
Teynampet, Chennai – 600 018.

4.The District Educational Officer,
O/o. District Educational Office,
Nagapattinam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to re-fix pay scale of petitioner by fixing the Grade Pay as Rs.5,400/- from



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01.01.2011 and consequently to pay the amount within the time limit stipulated by this Court in the light of judgment passed by this Court in W.P.No.28695 of 2013 dated 02.09.2020.

For Petitioner : Mr.R. Saravanan

For Respondents : Mr.P. Baladhandayutham,
Special Government Pleader

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader for the respondents.

2. The petitioner herein had given a representation to the respondents on 30.10.2020, seeking for re-fixation of his pay scale by fixing the Grade Pay as Rs.5,400/-. 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 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.

4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 30.10.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.

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

No costs.

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Index: Yes/No

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M.S.RAMESH,J.

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To

- 1.The Principal Secretary to State of Tamil Nadu,
Finance (CMPC) Department,
Fort St. George, Chennai – 09.
- 2.The Joint Director (Vocational) of School Education,
College Road, Chennai – 06.
- 3.The Principal Accountant General (G&SSAR),
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