



W.P.No.16996 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.16996 of 2023

1.J. Anbukkarasi
2.T. Chinnaponnu
3.M. Arul

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Adi Dravidar Welfare, Hill Tribes and Bonded
Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Tribal Welfare,
Ezhilagam, Chepauk,
Chennai – 600 005.

3.The Project Officer,
Tribal Welfare Department,
Kallakurichi,
Kallakurichi District.

... Respondents

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



W.P.No.16996 of 2023

pass orders granting revised time scale of pay with Grade Pay Rs.1300 to the petitioners in the post of Scavenger from the date of initial appointment in accordance with G.O.Ms.No.50 School Education Department dated 08.03.2019 with all consequential and other attendant benefits including arrears of salary with effect from 25.01.2018 as ordered, in consideration of representation submitted by the petitioners dated 11.04.2022, within a time frame to be fixed by this Court.

For Petitioners : Mr.S. Nedunchezhiyan

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

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The petitioners herein have given a representation to the respondents on 11.04.2022, seeking to grant revision of scale of pay from the date of their appointment with Grade Pay of Rs.1300/- as per G.O.Ms.No.50 dated 08.03.2019. 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



W.P.No.16996 of 2023

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nature is made to a Statutory Authority, there is a duty cast upon the respondent 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 him 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 petitioners' representation dated 11.04.2022, 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

M.S.RAMESH,J.



W.P.No.16996 of 2023

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

No costs.

08.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Principal Secretary to Government of Tamil Nadu,
Adi Dravidar Welfare, Hill Tribes and Bonded
Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2. The Director of Tribal Welfare,
Ezhilagam, Chepauk,
Chennai – 600 005.

3. The Project Officer,
Tribal Welfare Department,
Kallakurichi,
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W.P.No.16996 of 2023