



W.P.No.18912 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.18912 of 2023

Dr.Ch. Ramakrishnamacharya

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Health and Family Welfare Department,
St. George Fort,
Chennai – 600 009.

2.The Government of Tamil Nadu,
Rep. by it Secretary,
Personnel and Administrative
Reforms/Finance Department,
Chennai – 600 009.

3.The Commissioner of Indian Medicine and Homeopathy,
Arumbakkam,
Chennai – 600 106.

4.The Principal Accountant General (A and E) Tamil Nadu,
Teynampet,
Chennai – 600 018.

... Respondents

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



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sanction for increment for the years 2014 and 2015 and pay the arrears of increment and further direct the 1st and 2nd respondents to revise the pension on the basis of the increment for the year 2014 and 2015.

For Petitioner : Mr.S. Sidhartha Vishnu

For Respondents : Mr.S. Prabhakaran,
Government Advocate [R1 to R3]

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondents 1 to 3.

2. In view of the order to be passed by this Court, notice to the fourth respondent is hereby dispensed with.

3. The petitioner herein has given several representations dated 27.04.2015, 21.11.2016, 23.07.2018, 05.08.2021 and 09.02.2021 to the first respondent, seeking for sanction of two increment for the years 2014 and 2015, to pay the arrears of increment and to revise the pension on the basis of the increment for the years 2014 and 2015. Since the said



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representations were not considered, the present Writ Petition has been filed.

4. 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 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.

5. Since the representations of the petitioner are very old and dates back to the year 2021, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.



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6. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances, along with the old representations and a copy of this order. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 that it is open to the concerned respondent to consider the same on its own merits.

7. With the above direction, this Writ Petition stands disposed of.
No costs.

28.06.2023

Speaking/Non-speaking
Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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To

- 1.The Principal Secretary to Government of Tamil Nadu,
Health and Family Welfare Department,
St. George Fort,
Chennai – 600 009.
- 2.The Secretary to Government of Tamil Nadu,
Personnel and Administrative
Reforms/Finance Department,
Chennai – 600 009.
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M.S.RAMESH,J.

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