



W.P.No.18249 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18249 of 2023

M.Djealatchoumy

...Petitioner

Vs.

- 1.The Secretary,
Ministry of Home Affairs,
New Delhi.
- 2.The Union Territory of Puducherry,
Rep. by its Chief Secretary,
Chief Secretariat, Puducherry.
- 3.The Secretary,
Finance Department,
Chief Secretariat,
The Union Territory of Puducherry,
Puducherry.
- 4.M/s.Puducherry Agro Service and
Industries Corporation Limited,
Agro House, Thattachavady,
Puducherry - 605 009,
Rep. by the Secretary to Government
(Agriculture) - cum - Chairman,
PASIC Office of Chief Secretariat,
Puducherry.



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5.The Managing Director,
M/s.Puducherry Agro Service and
Industries Corporation Limited,
Agro House, Thattachavady,
Puducherry - 605 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to pay out the salary and other related allowances to the petitioner, including 40% of arrears in the 6th Pay Commission by disbursing grant-in-aid or in alternative, within a specified period and may settle the mentioned arrears in full with interest at the rate of 12% per annum on the amount due and payable to the petitioner, in accordance with the representation dated 10.04.2023 made by the petitioner.

For Petitioner : Ms.M.Malaviya

For R2 to R5 : Mr.R.Sreedhar,
AGP (Pondicherry)

ORDER

Heard Ms.M.Malaviya, learned counsel for the petitioner and Mr.R.Sreedhar, learned Additional Government Pleader (Pondicherry) for the respondents 2 to 5.



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2. The petitioner herein had given a representation to the fifth respondent on 10.04.2023, seeking for settlement of the unpaid salary, 40% of arrears in the 6th Pay Commission, together with interest. Since the same has not yet been 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 him 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 the 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 fifth respondent herein to consider the petitioner's representation dated 10.04.2023, on its own merits and pass appropriate orders in



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accordance with law, within a period of four 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

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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