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W.P.No.18664 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18664 of 2022

C.Arputhaselvi

... Petitioner

Vs

1. The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-09.
2. The Director of Public Libraries,
Anna Salai, Chennai 600 002.
3. The District Library Officer,
Anna Salai, Chennai, Chennai District.
4. The Additional Chief Secretary to Government,
Department of Finance, Fort St. George,
Chennai 600 009.
5. The Additional Chief Secretary to Government,
Department of Municipal Administration and
Water Supply Department, Fort St. George,
Chennai 600 009.
6. The Director of Municipal Administration,
Urban Administrative Building,
No.78, Santhome High Road,
Raja Annamalaipuram, Chennai 600 028.



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7. The Director of Town Panchayat,
Urban Administrative Building,
No.78, Santhome High road,
Raja Annamalaipuram, Chennai 600 028.
(RR 4 to 7 impleaded as per order of
court dt. 30.06.2023 in WMP.29085/2022)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus Directing the 1st Respondent to consider and pass orders on the representation of the petitioner dated 25.03.2022 for grant of special time scale of pay of Rs 1300-3000 Plus Grade Pay Rs 300 to the petitioner with retrospective effect from 15.09.2010 as per G.O.Ms.No. 385 Finance (Paycell) Department dated 01.10.2010 and in the light of G.O.Ms.No. 260 school Education (P.L.1) Department dated 17.12.2018 within a stipulated period.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.S.Silambanan
Addl. Advocate General-II
Assisted by Mr.p.Baladhandayutham
Spl. Government Pleader

* * * * *

ORDER

Heard Mr.R.Prem Narayan, learned counsel for the petitioner and
Mr.S.Silambanan, learned Additional Advocate General for the respondents and



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by consent of both sides, the main writ petition is taken up for final disposal.

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2. The petitioner was appointed as Part Time Sweeper under the third respondent. She has made a representation on 25.03.2022 to the respondents seeking to grant Special Time Scale of Pay as has been granted to the similarly placed Part Time Sweepers pursuant to the order of this Court in W.P.No.39845 and 39846 of 2015 dated 17.12.2015, based on G.O.Ms.No.385, Finance (Paycell) Department dated 01.10.2010. Since the representation was not considered, the petitioner has filed the present writ petition.

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 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



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first respondent herein to consider the representation of the petitioner dated 25.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 respondents to consider the same on its own merits.

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

30.06.2023

Index: Yes/No
Speaking order/Non-speaking order
sra



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M.S.RAMESH,J.,

(sra)

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