



WEB COPY



W.P.No.22804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22804 of 2022

and

WMP.No.21837 of 2022

K.Gowthaman

...Petitioner

-Vs-

1.The Government of Tamil Nadu
rep. by its Secretary,
Department of Higher Education,
Secretariat, Chennai.

2.The Commissioner of Technical Education,
Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai-600 025.

3.The Principal,
Government Polytechnic College,
Arakandanallur,
Villupuram 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 release the petitioner's arrears of salary from March 2020 to November 2021.

For Petitioner : Mr.Singaravelan, Sr. Counsel
for Mr.M.Muruganantham
For Respondents : Mr.S.Rajesh, GA



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ORDER

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The petitioner herein had given a representation on 18.12.2020 to the third respondent requesting him to to release his arrears of salary from March 2020 to November 2021. Since the said representation was not considered, the present Writ Petition has been filed.

2. 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.

3. Since the representation given by the petitioner dates back to the year 2020, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the respondents to consider the same, thereby securing the ends of justice.



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4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, along with a copy of the earlier representation dated 08.12.2020, ventilating his grievances. On receipt of such a representation, the respondents shall consider it and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of such 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 it is open to the respondents to consider it on its own merits. Till such a disposal of the petitioner's representation, the respondents shall not disturb the petitioner's services.

5. With the above direction, this Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

21.06.2023

Index:Yes/No
Neutral Citation:Yes/No
Order :Speaking / Non Speaking

DP



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M.S.RAMESH,J.

DP

To

- 1.The Secretary,
Government of Tamil Nadu
Department of Higher Education,
Secretariat, Chennai.
- 2.The Commissioner of Technical Education,
Directorate of Technical Education,
Sardar Patel Road, Guindy,
Chennai-600 025.
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