



W.P.No.29880 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.29880 of 2023

- 1.K. Palani
- 2.K.A. Mathiazhagan
- 3.D. Muthukumar
- 4.K. Karthikeyan
- 5.M.D. Gopal Krishnan
- 6.S. Rajendran
- 7.G. Azhagappan
- 8.N. Ramasamy
- 9.D. Kannappan
- 10.K. Paul Gnansekar
- 11.A. James
- 12.P. Annavi
- 13.R. Ravikumar
- 14.R. Gnansekaran
- 15.S. Ramakrishnan
- 16.R. Anushya
- 17.A. Jayasankar
- 18.S. Velumani
- 19.K.K. Sivasubramanian



W.P.No.29880 of 2023

WEB COPY

20.C. Chokkalingam

21.C. Vijayan

22.K. Jayavel

23.M. Subramanian

24.S. Rajagopal

25.R. Chitra Velu

26.R. Raja Gopalan

27.K. Arivazhagan

28.P. Saminathan

29.M.M. Karunanithi

30.K. Jayapaul

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Cooperation Food and Consumer Protection,
Fort St. George, Chennai – 600 009.

2.The Registrar of Cooperative Societies,
NVN Maaligai, Kilpauk,
Chennai – 600 010.

3.The Secretary,
Finance Department,
Fort St. George, Chennai – 9.

4.The Director of Cooperative Audit,
Cooperative Audit Department,
Slum Clearance Board Complex,
Kamarajar Salai, Chepauk, Chennai – 5.



W.P.No.29880 of 2023

5.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai – 600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to forthwith include already earned increments and as well as notional increment from 16.10.1989, the date of successful completion of the Special Qualifying Examination and to consequently notionally revise and refix the benefits thereto by taking into account the already rendered services as the basis of the representation dated 06.07.2023.

For Petitioners : Mr.L. Chandrakumar

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader [R1 & R2]

Mr.A. Selvendran,
Special Government Pleader [R3]

Mr.R. Baranidharan,
TNPSC [R5]

ORDER

Heard Mr.L. Chandrakumar, learned counsel for the petitioners.

Mrs.V. Yamuna Devi, learned Special Government Pleader, accepts



W.P.No.29880 of 2023

WEB COPY

notice for 1st and 2nd respondents, Mr.A. Selvendran, learned Special Government Pleader, accepts notice for 3rd respondent and Mr.R. Baranidharan, learned counsel for TNPSC, accepts notice for 5th respondent.

2. Since this Court is directing 2nd respondent to dispose of the representation of the petitioners, after giving due notice and opportunity to 4th respondent, notice to 4th respondent is hereby dispensed with.

3. The petitioners herein have given a representation to the first and second respondents on 06.07.2023, seeking to include already earned increments, as well as notional increment from 16.10.1989 (the date of successful completion of the Special Qualifying Examination) and consequently, notionally revise and refix the benefits by taking into account the already rendered services. Since the said representation has not been considered till date, the present Writ Petition has been filed.



W.P.No.29880 of 2023

WEB COPY

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. In the light of the above observations, there shall be a direction to the second respondent herein, to consider the petitioners' representation dated 06.07.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



W.P.No.29880 of 2023

WEB COPY

6. With the above direction, the Writ Petition stands disposed of.

No costs.

16.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Sni



WEB COPY

To



W.P.No.29880 of 2023

- 1.The Secretary to State of Tamil Nadu,
Cooperation Food and Consumer Protection,
Fort St. George,
Chennai – 600 009.
- 2.The Registrar of Cooperative Societies,
NVN Maaligai, Kilpauk,
Chennai – 600 010.
- 3.The Secretary,
Finance Department,
Fort St. George,
Chennai – 9.
- 4.The Director of Cooperative Audit,
Cooperative Audit Department,
Slum Clearance Board Complex,
Kamarajar Salai, Chempauk,
Chennai – 5.
- 5.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai – 600 003.



WEB COPY



W.P.No.29880 of 2023

M.S.RAMESH,J.

Sni

W.P.No.29880 of 2023

16.10.2023