



WEB COPY



W.P.No.30805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30805 of 2023

Dr.K. Mugilan

... Petitioner

Vs.

1.The Secretary to Government (Education),
Government of Pondicherry,
Goubert Avenue, Beach Road,
White Town,
Puducherry – 605 001.

2.Director of Higher and Technical Education,
Directorate of Higher and Technical Education,
Puducherry,
Tholkappiar Main Road,
Government Quarters, Lawspet,
Puducherry – 605 008.

3.The Member Secretary,
Pondicherry Institute of Post Matric,
College Road, Lawspet,
Puducherry – 605 008.

4.The Principal,
Women Polytechnic College,
Kilinalmedu,
Karaikal,
Puducherry – 609 605.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 24.01.2023 and 06.10.2023 for refixation of the petitioner's salary based on G.O.Ms.No.13, dated 22.06.2022.

For Petitioner : Mr.R.N. Amarnath

For Respondents : Mr.R. Syed Mustafa, [R1 to R3]
Special Government Pleader (Puducherry)

ORDER

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

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the fourth respondent herein and hence, notice to the fourth respondent is dispensed with.



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3. The petitioner herein has given a representation to the fourth respondent on 24.01.2023, seeking for refixation of his salary. He further gave a representation to the third respondent on 06.10.2023, seeking for the very same relief. Since the said representations have not been considered till date, 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 them 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 respondents herein, to consider the petitioner's representations



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dated 24.01.2023 and 06.10.2023, on their 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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

31.10.2023

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

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To

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M.S.RAMESH,J.

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