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W.P.No.32541 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.P.Raji
2. G.John David Kennedy
3. K.Muthulakshmi
- 4.P.Samydurai
- 5.M.Chandru
- 6.A.Malligarani

...Petitioners

Vs

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
Animal Husbandry, Dairying and Fisheries Department
Fort St.George, Secretariat
Chennai – 600 109

2. The Commissioner
Directorate of Fisheries
DMS Complex, Teynampet
Chennai – 600 006

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders granting regular time scale of pay to the petitioners working in the post of special time scale sweepers and having completed more than 23 years of service on par with similarly placed persons given regular time



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scale of pay in other Departments, with all consequential and other attendant benefits including arrears of salary and other service benefits, in consideration of representation submitted by the petitioner dated 06.10.2023 and 09.10.2023 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Bindran
Additional Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.G.Sankaran, learned Senior counsel appearing on behalf of counsel on record for the petitioners and Mr.M.Bindran, learned Additional Government Pleader for the respondents.

3. The petitioners herein had given representations to the respondents on 06.10.2023 and 09.10.2023 seeking for grant of regular



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time scale of pay to the petitioners working in the post of special time scale sweepers as they have completed more than 23 years of service, on par with similarly placed persons in other Departments, with all consequential and other attendant benefits including arrears of salary and other service benefits. Since the said representations were not considered by the respondents, 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 the Constitution of the 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 petitioners' representations dated 06.10.2023 and 09.10.2023, on its own merits and pass



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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 made by the petitioners 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.

21.11.2023
(¹/₂)

Index:Yes/No

Speaking order/Non-speaking order

gpa

To

1.The Principal Secretary to Government
Animal Husbandry, Dairying and Fisheries Department
Fort St.George, Secretariat
Chennai – 600 109

2. The Commissioner
Directorate of Fisheries
DMS Complex, Teynampet
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M.S.RAMESH,J.

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