



W.P.No.32322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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1. S.V.Baskar
2. V.Padma
3. M.Ramachandran
4. S.S.Sumathy
5. M.S.Udaya Bhaskar
6. V.P.Nagajothi
- 7.A.Mariappan
- 8.A.Manikkannan
- 9.M.D.Manuraj
- 10.N.Pari
11. N.Bhuvaneswari
- 12.C.Kannan
- 13.A. Ramanathan
- 14.J.Mohanraman
15. K.Jayalalitha
16. S.Akila
- 17.A.Jayanthi
- 18.K.Sumathy
- 19.S.Chitra
- 20.S.Ravi
21. P.Baskar
22. K.S.Sivagami
23. R.Sathiyavathy
24. T.Sundaresan
25. A.Anantha Rajan
26. M.S.Rajesh
27. M.Ehirajan



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- 28.K.Arumugam
29.P.Dhanasekar
30.S.Murugan
31.C.Manivannan
32. K.S.Rajeswari
33. Gracie Joseph
34. R.Veerusamy
35. R.Prabhavathi
36. M.K.Pushpalatha
37.D.Ravichandran
38. V.Subramanian
39.A.Ashalatha
40. S.Sujatha
41. S.Saravanavisagam
42. M.Meena
43. C.Senthilkumar
44.R.Ruth Gnanamalar
45. A.Jesu Thayanand
46. S.Ramakrishnan Rajan
47.R.Kumar
48.R.Murali
49.K.Saravanan

...Petitioner

Vs

1. The Government of Tamil Nadu
Rep. By its Chief Secretary
Fort St.George
Chennai – 9
2. The Government of Tamil Nadu
Rep. By its Secretary
Human Resources Management Department
Fort St.George
Chennai – 9
3. The Government of Tamil Nadu



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Rep. By its Secretary
Public Department
Fort St.George
Chennai – 9

4. The Government of Tamil Nadu
Rep. By is Principal Secretary
Finance Department
Fort St.George
Chennai – 9

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to set right the pay anomaly of the petitioners on par with their juniors in finance department and upgrade their post with effect from the dates on which their juniors got promoted to higher post and consequently to provide pay and post parity within a time frame to be fixed by this Court.

For Petitioner : Mr.Duraisami
Senior counsel
for Mr.Kandhan Duraisami

For Respondents : Mr.M.Bindran
Addl. Government Pleader for R1 to R3
Mr.A.Selvendran
Special Government Pleader for R4

ORDER

Heard Mr.Duraisami, learned senior counsel appearing on behalf of
the counsel on record for the petitioner, Mr.M.Bindran, learned



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Additional Government Pleader appearing for Respondents 1 to 3 and Mr.A.Selvendran, learned Special Government Pleader appearing for the fourth respondent.

2. The petitioners herein had given several representations to the respondents from the year 2018 and the last of such representation was on 17.10.2023 to rectify the anomaly in the pay of the petitioners on par with their juniors in finance department and also to upgrade their post with effect from the dates on which their juniors got promoted to the higher post. Since the said representations were not considered, the petitioners are before this Court.

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 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



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the 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 second and fourth respondents to consider the petitioners' representation dated 17.10.2023, 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 made by the petitioners and that it is open to the second and fourth respondents to consider the same on its own merits.

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

No costs.

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



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To
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1. The Chief Secretary
Fort St.George
Chennai – 9
2. The Government of Tamil Nadu
Rep. By its Secretary
Human Resources Management Department
Fort St.George
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3. The Government of Tamil Nadu
Rep. By its Secretary
Public Department
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4. The Principal Secretary
Finance Department
Fort St.George
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M.S.RAMESH,J.

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