



WEB COPY



W.P.No.33584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33584 of 2023

S.Divya

...Petitioner

Vs

1. The District Collector
Salem District
Salem

2. The Director
Adi Dravidar and Tribal Welfare Department
Chepauk
Chennai – 600 005

3. The District Adi Dravidar Welfare Officer
Salem District, Salem

4. The Special Tahsildar (ADW)
Omalur – 636 455
Salem District

...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 for disbursement of salary in the post of Cook from 01.08.2018, with all consequential and other attendant benefits including arrears of



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salary along with interest by considering the representations submitted by the petitioner on 30.10.2023 within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Ganesan
Govt. Advocate for Respondents 1 to 4

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.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P. Ganesan, learned Government Advocate appearing for Respondents.

3. The petitioner herein, who was appointed as Cook pursuant to Notification issued by the third respondent, joined the post on 23.01.2016 but his salary was not paid and hence, the petitioner has given a representation to the respondents on 30.10.2023 seeking for salary with all consequential and other attendant benefits including arrears of salary



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with interest. Since the said representation was 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 third respondent herein to consider the petitioner's representations dated 30.10.2023, on its own merits and pass appropriate orders in accordance with law within a period of four 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 made by the petitioner and that it is open to the concerned respondent (third respondent) to consider the same on its own merits.



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

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No costs.

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Index:Yes/No

Speaking order/Non-speaking order

gpa

To

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M.S.RAMESH,J.

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