



W.P.No.33585 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.33585 of 2023

V.Kasirajan

...Petitioner

Vs

1. The District Collector

Salem District

Salem

2. The Director

Adi Dravidar and Tribal Welfare Department

Chepauk

Chennai – 600 005

3. The Project Officer

Tribal Welfare

Salem District, Salem

4. The Headmaster

Government Tribal Residential

Higher Secondary School

Karumandurai

Pethanayakkanpalayam Taluk

Salem District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India to issue a Writ of Mandamus directing the respondents to pass orders for disbursement of salary in the post of Cook from 01.11.2017, with all consequential and other attendant benefits including arrears of salary along with interest by considering the representations submitted by the petitioner on 24.04.2023 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 Adi Dravidar Welfare Department, joined the



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post on 01.08.2016 but his salary was not paid from 01.11.2017 and hence, the petitioner has given a representation to the first respondent on 24.04.2023 seeking for salary with all consequential and other attendant benefits including arrears of salary 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 first respondent herein to consider the petitioner's representations dated 24.04.2023, on its own merits and pass appropriate orders in accordance with law within a period of four weeks from the date of



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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 (first respondent) to consider the same on its own merits.

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

No costs.

01.12.2023

Index:Yes/No

Speaking order/Non-speaking order
gpa

To

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Pethanayakkanpalayam Taluk
Salem District



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M.S.RAMESH,J.

gpa

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