



W.P.No.34596 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34596 of 2023

P.Jayanthi

... Petitioner

Vs.

1.The Secretary

Finance Department, Chief Secretariat
The Union Territory of Puducherry
Puducherry.

2.M/s Puducherry Agro Service and

Industries Corporation Limited
Agro House, Thattanchavady
Puducherry, 605009.

Represented by

The Secretary to Government (Agriculture)-cum-Chairman,
PASIC, Office of Chief Secretariat
Puducherry.

3.The Managing Director,

M/s Puducherry Agro Service and
Industries Corporation Limited
Agro House, Thattanchavady
Puducherry, 605009.

... Respondents

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 pay out the salary and other related allowances to the petitioner,



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including 40% of arrears in the 6th Pay Commission by disbursing grant-in-aid or in alternative, within a specified period and may settle the mentioned arrears in full with interest 12% per annum on the amount due and payable to the petitioner within a specified period.

For Petitioner : Ms.M.Malaviya

For Respondents : Mr.R.Sreedhar (R1 to R3)
Additional Government Pleader (Pondy)

ORDER

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

2. The petitioner herein has given a representation to the third respondent on 20.11.2023, seeking to pay out the salary and other related allowances to the petitioner, including 40% of arrears in the 6th Pay Commission by disbursing grant-in-aid or in alternative, within a specified period and may settle the mentioned arrears in full with interest 12% per annum on the amount due and payable to the petitioner within a specified period. Since the said representation has not been considered



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till date, the present Writ Petition has been filed.

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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 Constitution of 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 third respondent herein, to consider the petitioner's representation dated 20.11.2023, on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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.



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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
gd



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M.S.RAMESH,J.

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