



WEB COPY



W.P.No.35080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35080 of 2023
and W.M.P.No.35056 of 2023

K.Manoharan

... Petitioner

Vs.

1.Secretary to Govt. of Pondicherry,
Higher & Technical Education Department,
Chief Secretariat,
Puducherry.

2.Director of Higher & Technical Education,
Puducherry.

3.The Principal,
Dr.S.R.K.Government Arts College,
Yanam - 533 464, Puducherry.

4.The Principal,
Arignar Anna Govt. Arts & Science College,
Karaikal,
Puducherry – 609605.

... Respondents

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



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India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representations dated 11.12.2021 and 15.02.2022 to pay the revised scale of pay arrears from 01.01.2016 to 31.03.2019, amounting to Rs.11,28,522/- (Rupees Eleven Lakhs Twenty Eight Thousand Five hundred and Twenty Two only) in terms of Statement of Fixation of pay under Central Civil Service (Revised Pay) Rules, 2016, Regulations framed by the University Grants Commission vide G.O.Ms.No.6, dated 26.02.2019 as per the order dated 09.04.2019 and issued by the third respondent and dispose the representation within specified time fixed by the Court.

For Petitioner : Mr.K.Sellathurai

For Respondents : Mr.R.Sreedhar,
Additional Government Pleader Pondicherry

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 representations to the fourth and



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third respondents respectively, on 11.12.2021 and 15.02.2022, seeking to pay the revised scale of pay arrears from 01.01.2016 to 31.03.2019, amounting to Rs.11,28,522/- (Rupees Eleven Lakhs Twenty Eight Thousand Five hundred and Twenty Two only) in terms of Statement of Fixation of pay under Central Civil Service (Revised Pay) Rules, 2016, Regulations framed by the University Grants Commission vide G.O.Ms.No.6, dated 26.02.2019 as per the order dated 09.04.2019. Since the said representations have not been considered till date, the present Writ Petition has been filed.

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.



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4. In the light of the above observations, there shall be a direction to the first and third respondents herein, to consider the petitioner's representations dated 11.12.2021 and 15.02.2022, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

5. With the above direction, the Writ Petition stands disposed of.
No costs. Connected miscellaneous petition is closed.

21.12.2023

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

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To

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M.S.RAMESH,J.

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