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W.P.No.34830 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.34830 of 2023

A. Rajendran

... Petitioner

Vs.

1.The Secretary to Government,
Water Resources Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Secretary to Government,
Finance Department,
Secretariat, Fort St.George,
Chennai – 600 009.

3.The Engineer in chief and Chief Engineer (General),
Water Resources Department – (PWD),
Chepauk, Chennai – 600 005.

4.The Executive Engineer,
Water Resources Department – (PWD),
Aliyar Basin Division,
Pollachi, Coimbatore District.

5.The Assistant Executive Engineer,
PWD Workshop Sub-Division,
Aliyar Nagar, Anaimalai Taluk,
Coimbatore District. Pin : 642 101.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 14.10.2023 (wherein the petitioner has sought for re-fixation of his scale of pay in the post of Selection Grade Skilled Assistant Grade -II (formerly Selection Grade Fitter Grade II) at the pay band of Rs 9,300- 34,800 plus Grade Pay of Rs.4,200 with effect from 01.01.2006 by virtue of G.O.Ms.No.325, Finance (Pay cell) Department dated 22.07.2013 coupled with Annexure-I of the Government Letter No.63305/Pay Cell/2010-1, Finance Department dated 08.11.2010 and for all attendant benefit inclusive of notional monetary, terminal and pensionary benefits and also for arrears of pay with accrued interest on merit and in accordance with law

For Petitioner : Mr.S.Rajendiran

For Respondents : Mrs.V. Yamuna Devi,
Special Government Pleader

ORDER

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



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2. The petitioner herein has given a representation to the respondents on 14.10.2023, seeking for re-fixation of his scale of pay in the post of Selection Grade Skilled Assistant Grade-II (formerly Selection Grade Fitter Grade-II) at the pay band of Rs 9,300 – 34,800 plus Grade Pay of Rs.4,200 with effect from 01.01.2006 in terms of the Government Order in G.O.Ms.No.325, Finance (Pay Cell) Department dated 22.07.2013 coupled with Annexure-I of the Government Letter No.63305 / Pay Cell / 2010-1, Finance Department dated 08.11.2010 and for all consequential notional and monetary benefits purporting for re-fixation of his pay in all levels of his service and consequential terminal and pensionary benefits and also for arrears together with interest. Since the said representation has 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



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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 respondents herein, to consider the petitioner's representation dated 14.10.2023, on their own merits and pass appropriate orders in accordance with law, within a period of three (3) 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 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.

21.12.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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