



W.P.No.35707 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.S.Silvainathan
- 2.K.Selvaraj
- 3.P.Shanamugam
- 4.R.Raman
- 5.A.Karthikeyan
- 6.A.Muthusamy
- 7.S.Mohan
- 8.e.Bakyadas
- 9.P.Dhanapalan
- 10.D.Sasikumar
- 11.M.Selvamani

... Petitioners

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Secretariat, St. George Fort,
Chennai - 600 009.

2.The State of Tamil Nadu rep. by its Secretary,
Personnel and Administrative Reforms,
Fort St. George, Chennai – 9.



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3.The Accountant General of Tamil Nadu,
Office of the Accountant General,
Anna Salai, Teynampet, Chennai – 18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioners' representation dated 16.11.2023 for refix the basic pay of petitioners in the post of Driver prior to the Tamil Nadu Revised Scales of Pay Rules, 1989 within a stipulated time period and consequently revise the pay of the petitioners including ordinary grade, selection grade and special grade pay so as to enable them to get the benefits of Tamil Nadu Revised Scales of Pay Rules 1989 and 1998 and thereby revise their pensionary benefits.

For Petitioners : Ms.T.Dharani

For R1 & R2 : Mrs.V.Yamuna Devi
Special Government Pleader

For R3 : Ms.R.Sreevidhya
Standing counsel

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 petitioners herein have given a representation to the respondents on 16.11.2023, seeking to refix their basic pay in the post of Driver prior to Tamil Nadu Revised Scales of Pay Rules, 1989, including ordinary grade, selection grade and special grade and thereby revise their pensionary benefits. 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 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 first respondent herein, to consider the petitioners' representation dated 16.11.2023, on their own merits and pass appropriate orders in



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accordance with law, within a period of eight (8) 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 petitioners 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

Internet: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Secretariat, St. George Fort,
Chennai - 600 009.
- 2.The Secretary to the State of Tamil Nadu,
Personnel and Administrative Reforms,
Fort St. George, Chennai – 9.
- 3.The Accountant General of Tamil Nadu,
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M.S.RAMESH,J.

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