



W.P.(MD).No.18712 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18712 of 2023

G.Poosamani

... Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
Office of the Commissioner,
No.119, Uthamar Gandhi Road,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
HR & CE Department,
Office of the Joint Commissioner,
Tiruppur.

3.The Executive Officer,
A/M.Rathinagiriswarar Kovil,
Ayyarmalai, Kulithalai Taluk,
Karur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to pay the arrears of salary to the petitioner forthwith based on the Time Scale of Pay for the period from 18.10.2021 till 31.12.2022 after adjusting the salary



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realized under the Daily Wage / Consolidated pay within the time stipulated by this Court.

For Petitioner : Mr.S.I.Muthiah

For R1 & R2 : Mr.S.Kameshwaran
Government Advocate

For R3 : Mr.Chandrasekar

ORDER

The present writ petition has been filed seeking direction to the 3rd respondent to pay the arrears of salary to the petitioner forthwith based on the Time Scale of Pay for the period from 18.10.2021 till 31.12.2022 after adjusting the salary realized under the Daily Wage / Consolidated pay within the time stipulated by this Court.

2. The petitioner was appointed in the post of Writer in the office of the 3rd respondent Temple on consolidated pay on 01.07.2014. His post was approved vide G.O.No.121, dated 18.10.2021. As per the pay fixation under the time scale of pay, the salary for the period from 18.10.2021 to 31.12.2022 would come to a sum of Rs.3,07,992/-. But he was paid the salary of Rs. 1,51,900/- only. Hence, he is entitled to claim arrears of salary for the



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remaining sum of RS.1,56,092/- for the period from 18.10.2021 to 31.12.2022, for which he had sent a representation, dated 21.01.2023 to the 3rd respondent seeking arrears of salary under time scale of pay. The 3rd respondent received the said representation on 21.01.2023.

3. The learned counsel for the 3rd respondent has filed a counter. This case has already come up for hearing on 02.08.2023, 23.08.2023 and 30.08.2023. On the above mentioned dates, the learned Government Advocate had sought for time for filing counter. However, he is not filed any counter so far. Hence, this Court is not inclined to grant any further time to the learned Government Advocate to file counter.

4. The learned counsel for the 3rd respondent has filed a counter stating that they would dispose of the representation within a period of four weeks from the date of receipt of a copy of this order. Already, the Joint Commissioner, Tiruchirapalli made an official communication, dated 12.05.2023 directing the 3rd respondent to pay the arrears to which the petitioner is entitled to.



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5. Heard the learned counsel on either side and perused the materials available on record.

6. 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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

7. This Court hereby directs the 3rd respondent to consider the representation of the petitioner, dated 21.01.2023 and pass orders in accordance with law. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

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NCC : No
Index : No
Internet : No
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L.VICTORIA GOWRI, J.

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