



W.P.(MD).No.22051 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22051 of 2023

K.Saravanan

... Petitioner

Vs.

1.The Secretary,
The State Government of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director,
Adi Dravidar Welfare Department,
Chepauk,
Chennai.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.3 to disburse the salary for the period from 01.07.2021 to 30.04.2022 (10 months) with interest by considering the petitioner's representations, dated 22.07.2022, 02.02.2023 and 11.04.2023 within the time stipulated by this Court.



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For Petitioner : Mr.S.Louis

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondent No.3 to disburse the salary for the period from 01.07.2021 to 30.04.2022 (10 months) with interest by considering the petitioner's representations, dated 22.07.2022, 02.02.2023 and 11.04.2023 within the time stipulated by this Court.

2. The petitioner was appointed as Secondary Grade Warden on 08.12.1995 and was regularized with effect from the date of appointment. On completion of 2 years, his probation was declared to have been completed. In the year 2009, he was promoted to the post of Graduate Warden, since he possess B.Lit degree qualification. By 30.12.2013, he acquired B.Ed., degree also. One T.Ravikumar was appointed as Secondary Grade Teacher in Government service with effect from 24.01.1997, who is a junior to the petitioner challenged his promotion along with others by filing W.P(MD)No. 5475 of 2010 before this Court. The said writ petition was allowed. Assailing



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the order passed in the said writ petition, the petitioner has filed W.A(MD)No. 71 of 2014 and the said appeal was dismissed confirming the order passed in the said writ petition. Pursuant to the same, the petitioner was reverted to the post of Secondary Grade Warden vide proceedings of the 3rd respondent, dated 24.1.2017. Challenging the same, the petitioner has filed W.P(MD)No.19900 of 2017. The same was disposed on 27.10.2017 directing the 3rd respondent to consider the petitioner's request. In furtherance to the same, the 3rd respondent passed an order on 24.11.2017 retaining the petitioner in the promoted post of Graduate Warden with effect from 30.12.2013 and the petitioner is continuing as Graduate Warden. However, the promotion order, dated 24.11.2017 was challenged by one M.Radhakrishnan in W.P(MD)No.22276 of 2018 and by one P.Kamalapushpam in W.P(MD)No.22277 of 2018. Both the writ petitions were allowed on the basis of which, the seniority list was directed to be prepared. However, the petitioner preferred a writ appeal as against the said orders in W.A(MD)Nos.105 and 106 of 2020, in which an interim order of *status quo* was granted on 31.01.2020. Finally, those writ appeals were disposed on 08.07.2021 in which the Division Bench has observed that reverting the appellants after a long period of service in the promoted post on technicalities would not be sustained and was pleased to grant interim stay of the instant



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impugned order of reversion, dated 01.07.2021. However, posting orders were not given as per the orders in W.A(MD)Nos.105 and 106 of 2020 to the petitioner. Hence, a contempt petition in Cont.P(MD)No.1141 of 2021 was filed and thereafter, the respondents issued the posting order and he joined duty on 01.05.2022 as Graduate Warden at Mela Ilanthaikulam Government Boys Hostel. However, for the period from 01.07.2021 to 30.04.2022, the petitioner was not given with duty in spite of the interim order passed by this Court. Hence, the petitioner made representations on 22.07.2022, 02.02.2023 and 11.04.2023 seeking for payment of salary for the period from 01.07.2021 to 30.04.2022 and the same is not yet considered.

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 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.



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4. Without going into the merits of the case, this Court direct the 3rd respondent to consider the representations of the petitioner, dated 22.07.2022, 02.02.2023 and 11.04.2023 and pass orders in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Secretary,
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Chennai-600 009.

2.The Director,
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Chepauk,
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3.The District Adi Dravidar Welfare Officer,
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L.VICTORIA GOWRI, J.

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