



W.P.(MD).No.21977 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21977 of 2023

G.Muruganantham

... Petitioner

Vs.

1.The Director of Collegiate Education,
Office of Collegiate Education,
Greens Road,
Chennai-600 015.

2.The Joint Director of College Education,
Madurai Region,
Madurai-625 002.

3.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai.

4.The Principal,
Government Arts and Science College,
Sattur,
Virudhunagar 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 respondents to fix time scale of pay to the petitioner on the basis of G.O.Ms.No.151 (Social Welfare and Nutritious Food Scheme Department), dated 16.10.2008 by



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considering the representation of the petitioner, dated 10.07.2023 within the time fixed by this Court.

For Petitioner : Mr.N.Tamilmani

For R1,R2 & R4 : Mr.N.Ramesh Arumugam
Government Advocate

For R3 : Mr.T.Cibi Chakraborty

ORDER

The present writ petition has been filed seeking direction to the respondents to fix time scale of pay to the petitioner on the basis of G.O.Ms.No.151 (Social Welfare and Nutritious Food Scheme Department), dated 16.10.2008 by considering the representation of the petitioner, dated 10.07.2023 within the time fixed by this Court.

2. The petitioner is a differently abled person having 60% of permanent disability with Orthopedically handicapped. His left leg is affected by Polio. His family is a poor family and he is hailing from most backward community. He had pursued M.Com., M.Phil., Ph.D and also qualified in NET. Originally, he was appointed as Junior Assistant in the constituent college by the 3rd respondent at Sattur with effect from 01.02.2018 on consolidated pay basis vide



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order, dated 19.01.2018 passed by the Vice Chancellor of the 3rd respondent University. The department of Higher Education vide G.O.Ms.No.184, dated 11.12.2020 has brought particular changes in 27 constituent colleges of various Universities by converting the same into the Government Arts and Science Colleges. Accordingly, the petitioner is now working in the 4th respondent Government Arts and Science College, Sattur and he is continuing as Junior Assistant in the said college without any break in service for a period of 2 years 10 months and 9 days in the constituent college and 2 years 6 months in Government Arts and Science College, totally 5 years 6 months.

3. In the meanwhile, G.O.Ms.No.151, Social Welfare and Nutritious Food Department, dated 16.10.2008 has been passed, in which time scale of pay is granted to the differently abled persons who are working for more than 2 years in various departments on consolidated pay. Since the petitioner is continuously working more than 5 years as Junior Assistant, he is entitled to the benefits of the said G.O. Hence, he made a representation on 10.07.2023 requesting the respondents to grant him with time scale of pay in terms of G.O.Ms.No.151, Social Welfare and Nutritious Food Department, dated 16.10.2008. However, the same was not considered. Hence, this writ petition came to be filed.



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4. 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.

5. In view of the facts and circumstances of this case, without going into the merits of the case, this Court hereby directs the respondents to consider the representation made by the petitioner on 10.07.2023 in accordance with law. The said exercise shall be completed within a period of ten (10) weeks from the date of receipt of a copy of this order.

6. 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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