



W.P.(MD).No.22092 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22092 of 2023

K.Subramanian

... Petitioner

Vs.

1.The Principal Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Secretariat,
Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Street,
Nungampakkam,
Chennai-600 034.

3.The Joint Commissioner,
Arulmighu Thandayuthapani Thirukovil,
Palani,
Dindigul 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 revise the Selection Grade and Special Grade Scale of pay as Rs.3200-85-4900 and Rs.4000-100-6000 to the ordinary grade scale of pay of



W.P.(MD).No.22092 of 2023

Rs.2610-60-3150-65-3540 as revised in Letter No.48639/2009/ஐ1, dated 21.05.2009 as allowed to similarly placed employees and disburse the monetary benefits accrued therein, by considering the petitioner's representation, dated 18.08.2023, within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Balumahendran

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

For R3 : Mr.Murali

ORDER

The present writ petition has been filed seeking direction to the respondents to revise the Selection Grade and Special Grade Scale of pay as Rs. 3200-85-4900 and Rs.4000-100-6000 to the ordinary grade scale of pay of Rs.2610-60-3150-65-3540 as revised in Letter No.48639/2009/ஐ1, dated 21.05.2009 as allowed to similarly placed employees and disburse the monetary benefits accrued therein, by considering the petitioner's representation, dated 18.08.2023, within the period that may be stipulated by this Court.

2. The petitioner was employed in the 3rd respondent Temple in the year 1972 and he retired on attaining the age of superannuation on 31.08.2008 in the



W.P.(MD).No.22092 of 2023

post of Sweeper. There was no promotion to the petitioner through out his career in the said post and he retired as Sweeper. Initially, he was paid daily wages and thereafter, vide G.O.Ms.No.257 Tamil Development Culture and Charitable Endowment Department, dated 10.06.1998 given with time scale of pay. However, he was not granted Selection Grade and Special Grade. In view of the same, he has made a representation seeking higher time scale in Selection Grade and Special Grade as allowed in G.O.Ms.No.257, dated 10.06.1998 and G.O.Ms.No.93, dated 12.06.2014, for which he had sent a representation on 18.02.2023. However, the same has not been 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.



W.P.(MD).No.22092 of 2023

WEB COPY

4. In view of the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court direct the 3rd respondent to consider the petitioner's representation, dated 18.02.2023 and pass appropriate orders in accordance with law 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.

22.09.2023

NCC : No
Index : No
Internet : No
gbg

To

1.The Principal Secretary to Government,
Hindu Religious and Charitable
Endowment Department,
Secretariat,
Chennai-9.

2.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
No.119, Uthamar Gandhi Street,
Nungampakkam,
Chennai-600 034.



WEB COPY



W.P.(MD).No.22092 of 2023

L.VICTORIA GOWRI, J.

gbg

3.The Joint Commissioner,
Arulmighu Thandayuthapani Thirukovil,
Palani,
Dindigul District.

W.P.(MD).No.22092 of 2023

22.09.2023