



W.P.(MD).No.22958 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22958 of 2023

T.Thanka Linda

... Petitioner

Vs

1. The Director,
Directorate of Tribal Welfare,
Chepauk, Chennai 5.
2. The Head Master,
Govt Tribal Residential Hr.Sec.School,
Pechiparai, Kanyakumari District.
3. The Secretary to Government,
Aadhi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 9.

... 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 pay additional charge salary for 10 months as Headmaster additional charge and consequently direct to pay belated payment with interest at a rate of 12 percentage per annum from the due date till the date of realization.

For Petitioner : Mr.S.Titus

For Respondent : Mr.N.Muthu Vijayan
Special Government Pleader



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ORDER

The present writ petition has been filed seeking a direction to the respondents to pay additional charge salary for 10 months as Headmaster additional charge and consequently direct to pay belated payment with interest at a rate of 12 percentage per annum from the due date till the date of realization.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.S.Titus, learned counsel appearing for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader appearing for the respondent. Perused the materials on record.

4.(i).The petitioner was appointed as Government Tribal Residential School Teacher on 26.09.1997, selected through Teachers Recruitment Board. On attaining the age of superannuation, he retired from service on 31.03.2018.



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(ii) While he was working in Aadhi Dravidar Welfare School at Pechiparai Government Tribal Residential School in Kanyakumari District, he was holding additional charge of Headmaster for a period of 10 months continuously from 01.06.2017 to 31.03.2018 in the said school, for which, the petitioner is entitled for additional charge pay as per Section 49 of Fundamental Rules and as per G.O.Ms.No.153, dated 05.12.2017 of Personnel and Administrative Reforms (FR-IV) Department of Government of Tamil Nadu.

(iii). On 26.06.2020, the petitioner sent a representation to the Headmaster of the School requesting to forward the same to the first respondent seeking arrear pay and the said proposal was forwarded to the first respondent. On 18.11.2020, the first respondent sent a reply to the Headmaster to forward the proposal before appropriate forum and the same was complied by the Headmaster duly on 26.07.2021. However, the respondents have not sanctioned additional charge pay, to which, the petitioner is entitled to. In this regard, the petitioner has sent several representations on 16.06.2017, 29.09.2020, 26.11.2022, 13.07.2020 to the first respondent and lastly he sent a representation to the third respondent on 26.05.2023. So far, no order has been passed. Hence, this writ petition came to be filed.



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5.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 respondents 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.

6.In view of the limited relief sought for by the petitioner, without going into the merits of this case, this Court hereby direct the third respondent to consider the representation of the petitioner, dated 16.05.2023 and pass final orders to pay additional charge salary for 10 months as Headmaster additional charge, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

26.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.

PNM

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