



W.P.(MD).No.1323 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

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**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.1323 of 2024**

K.Sudha

... Petitioner

Vs.

1.The Principal Secretary to Government,  
Municipal Administration and Water Supply Department,  
The Government of Tamil Nadu,  
St.George Fort,  
Chennai-600 009.

2.The Director of Municipal Administration,  
Raja Annamalai Puram,  
Chennai-600 028.

3.The Commissioner,  
Nagercoil Municipal Corporation,  
Nagercoil-1,  
Kanniyakumari District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant all service and monetary benefits to the petitioner pending from the date of the petitioner's appointment to till date including the annual increments due from 01.07.2014 to till date, Seventh Pay Commission Pay scale review and



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two grade pay reviews with 12% interest till the date of realization within a stipulated time as fixed by this Court.

For Petitioner : Mr.K.Vamanan  
For R1 & R2 : Mr.M.Siddharthan  
Additional Government Pleader  
For R3 : Mr.F.Deepak  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking direction to the respondents to grant all service and monetary benefits to the petitioner pending from the date of the petitioner's appointment to till date including the annual increments due from 01.07.2014 to till date, Seventh Pay Commission Pay scale review and two grade pay reviews with 12% interest till the date of realization within a stipulated time as fixed by this Court.

2. The petitioner was appointed as Municipal Commissioner Grade-II in the year 2013 in the respondent department through the recruitment process conducted by the Tamil Nadu Public Service Commission. She joined service on 30.09.2013 and also completed her training programme. Her service was regularized on 30.09.2013 and completed her probation on 09.10.2015. She



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was promoted as Municipal Commissioner Grade-I on 13.08.2018 and further promoted as Selection Grade Municipal Commissioner on 02.12.2019. Presently she is serving as Assistant Commissioner in the 3<sup>rd</sup> respondent Municipal Corporation from 19.05.2023. After her appointment till date, the respondents did not grant annual increment of pay for the past 10 years of service. That apart, the respondents did not revise her salary pay scale as per the 7<sup>th</sup> pay commission's pay fixation, dated 01.01.2016. She was also denied with promoted post grade pay i.e., Municipal Commissioner Grade-I from 13.08.2018 and Municipal Commissioner Selection Grade from 02.12.2019.

3. After her original appointment, she has been transferred and posted to several places across the State. Despite her periodical requests through proper channel to grant her annual pay increments, 7<sup>th</sup> pay commission's pay and her two grade pay reviews, the same were not granted by the respondents. Hence, she had sent various representations and the last of which was on 06.12.2023. Since the same was not considered, this writ petition came to be filed.

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



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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. Without going into the merits of the case, this Court hereby direct the 2<sup>nd</sup> respondent to consider the representation made by the petitioner on 06.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

**29.01.2024**

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

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To

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**L.VICTORIA GOWRI, J.**

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