



W.P.(MD).No.1428 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1428 of 2024
and W.M.P(MD) Nos.1462, 1465 of 2024

P.Meena

... Petitioner

Vs

1. The Principal Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
St. George Fort,
Chennai.

2. The Registrar,
Madurai Kamaraj University,
Madurai.

... 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 consider the petitioner's representations, dated 22.04.2015, 29.11.2016, 13.04.2017, 26.03.2021 and 11.01.2024 and to appoint an independent team, without consisting of the co-employees from the University, to analyze the entire issue including the request for pay-fixation and protection in consonance with G.O. (Ms) No.178/(H2) Department, dated 27.03.1997 and G.O. (Ms) No. 515/Higher Education (H2) Department, dated 15.12.2005 by changing the



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petitioner designation as Faculty / Technical Officer, PG Special Grade and consequently to direct the respondents to include the half of her past temporary service for the purposes of pensionary benefits as per G.O.408 Finance (Pension) Department, dated 25.08.2009 and the letter of the University, dated 12.07.2012.

For Petitioner : Mr. C.M. Arumugam

For Respondents : Mr.P.T.Thiraviyam (R1)
Government Advocate

Mr.T.Cibichakarabarthi (R2)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to consider the petitioner's representations, dated 22.04.2015, 29.11.2016, 13.04.2017, 26.03.2021 and 11.01.2024 and to appoint an independent team, without consisting of the co-employees from the University, to analyze the entire issue including the request for pay-fixation and protection in consonance with G.O. (Ms) No.178/(H2) Department, dated 27.03.1997 and G.O. (Ms) No.515/Higher Education (H2) Department, dated 15.12.2005 by changing the petitioner designation as Faculty / Technical Officer, PG Special Grade and consequently to direct the respondents to include the half of her past temporary service for the purposes of pensionary benefits as per G.O.408



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Finance (Pension) Department, dated 25.08.2009 and the letter of the University, dated 12.07.2012.

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

3.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for the second respondent. Perused the materials on record.

4.The petitioner was appointed as Senior Research Technician in the Department of Bio-Technology on 05.01.1990 and presently, she is working as Technical Officer (PG Special Grade Faculty) at School of Bio-Technology, Madurai Kamaraj University, Madurai. Her last drawn salary for the month of September, 2023 was Rs.81,582/-(net pay). However, an amount of Rs. 31,464/- was credited in her account on 08.01.2024. On enquiry, she was informed by the officials in the Administrative Department that there has been a reduction in salary as per the instructions of the second respondent in



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consultation with the Local Fund Audit Department. Without notice such an unilateral re-fixation and crediting of a grossly low amount as salary is illegal and that amounts to violation of principles of natural justice. Hence, she made several representations on 22.04.2015, 29.11.2016, 13.04.2017, 26.03.2021 and lastly on 11.01.2024. However, the same was not considered. Hence, this writ petition came to be filed.

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.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the second respondent to consider the representation of the petitioner, dated



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11.01.2024 and pass appropriate orders in accordance with law, in the light of G.O. (Ms) No.178/(H2) Department, dated 27.03.1997 and G.O. (Ms) No. 515/Higher Education (H2) Department, dated 15.12.2005 within a period of eight (4) weeks, from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.01.2024

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

To

1. The Principal Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
St. George Fort,
Chennai.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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