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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1869 of 2024

A.V.Kathiresan ... Petitioner

Vs.

1.The Secretary to Government (Finance)
Government of Tamil Nadu,
Chennai.

2.The Commissioner,
Department of Treasuries and Accounts
Integrated Finance Office,
V Floor,
571, Anna Salai,
Nandhanam,
Chennai-600 035. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the representation dated 01.12.2023 of the petitioner and to implement the scale of Rs.7000 - 11500 with effect from the date of promotion as

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Superintendent with monetary benefit from 12.12.2007 by issuing fitment table in respect of superintendents in Tamil Nadu Ministerial Service mentioned in G.O.Ms.No.234 Finance (pay cell) Department dated 1st June 2009 which was given with effect from 12.12.2007 and to pay the arrears on account of revision within stipulated time fixed by this Court.

For Petitioner : M/s.P.Malini

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

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

2. The petitioner had given a representation to the respondent on 01.12.2023 seeking for implement the scale of Rs.7000 - 11500 with effect from the date of promotion as Superintendent with monetary benefit from 12.12.2007 by issuing fitment table in respect of superintendents in Tamil Nadu Ministerial Service mentioned in G.O.Ms.No.234 Finance (pay cell) Department dated 1st June 2009 which was given with effect from 12.12.2007

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and to pay the arrears on account of revision within stipulated time fixed by this Court.

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 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.

4. In view of the same, there shall be a direction to the respondents herein to consider the petitioners' representation dated 01.12.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim

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of the petitioner and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

31.01.2024

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

To

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Chennai.

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Department of Treasuries and Accounts
Integrated Finance Office,
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L.VICTORIA GOWRI, J.

Sml

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