



W.P.(MD).No.2049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2049 of 2024

D.Pushparagam Selma

... Petitioner

Vs

1. The State Commissioner For Welfare of the Differently Abled,
O/o. State Commissioner For Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Camp.
2. The District Differently Abled Welfare Officer,
Kokirakulam, Tirunelveli - 627 001.
3. The Correspondent,
Higher Secondary School For the Blind,
Palayamkottai, Tirunelveli - 627 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to disburse the arrears of salary in the post of B.T.Assistant along with the other consequential benefits with effect from 14.07.2009 to 31.03.2015 to the petitioner in accordance with the proceedings of the Respondent No.1 vide Se.Mu.A.No.2682/Ci.Pa.Thi/2013, dated 12.06.2015 within the time stipulated by this Court.



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For Petitioner : Mr. S.Rajasekar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondent to disburse the arrears of salary in the post of B.T.Assistant along with the other consequential benefits with effect from 14.07.2009 to 31.03.2015 to the petitioner in accordance with the proceedings of the Respondent No.1 vide Se.Mu.A.No.2682/Ci.Pa.Thi/2013, dated 12.06.2015 within the time stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, 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 Additional Government Pleader appearing for the respondents. Perused the materials on record.



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4.(i).The petitioner is presently working as B.T. Assistant at Higher Secondary School for the Blind at Palayamkottai. Her post was upgraded with effect from 14.07.2009. However, the arrears of salary from 14.07.2009 has not been paid till date.

(ii).On 24.01.2020, the Correspondent of the School has forwarded a proposal to the second respondent requesting to disburse the arrears of salary of the petitioner from 14.07.2009 to 31.03.2015 with all necessary documents. However, the same was not disbursed.

(iii).In the meanwhile, the second respondent vide proceedings, dated 09.06.2020 forwarded the said proposal to the first respondent. Further, the second respondent vide proceedings, dated 21.01.2021 also forwarded another proposal to the first respondent. However, the same were 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



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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 direct the first respondent to consider the proposals forwarded by the second respondent, dated 09.06.2020 and 21.01.2021 and pass appropriate orders in accordance with law.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

01.02.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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