



W.P.(MD).No.4432 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.02.2024**

**CORAM**

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

**W.P.(MD).No.4432 of 2024**

V.Neelajayanthi

... Petitioner

Vs

1. The State of Tamil Nadu,  
Rep. by the Secretary to Government,  
Finance Department, Fort St. George,  
Chennai 600 009.
2. The Principal Secretary to Government,  
Personnel and Administrative Reforms (S) Department,  
Fort St. George,  
Chennai 600 009.
3. The Commissioner,  
Agriculture Production Department,  
Head Office, Chennai 600 009.
4. The Director,  
Agriculture Production Department,  
Chepakkam, Chennai 600 005.
5. The Joint Director of Agriculture Department,  
Kaattuthottam, Marriyamman Kovil Post,  
Thanjavur, Thanjavur District.

... Respondents



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**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 Selection Grade in the cadre of Assistant w.e.f. 11.04.2008 and Special Grade in the cadre of Assistant w.e.f., 11.04.2018 and revise the scale of pay in the cadre of Superintendent and to direct the respondents to refund the recovered amount from the petitioner along with interest and by considering the petitioner's representation, dated 09.01.2024 within the period stipulated by this Court.

For Petitioner : Ms. S.Shapna  
for M/s.Ajmal Associates  
For Respondents : Mr.S.Shaji Bino  
Special Government Pleader

### **ORDER**

The present writ petition has been filed seeking a direction to the respondents to grant Selection Grade in the cadre of Assistant w.e.f. 11.04.2008 and Special Grade in the cadre of Assistant w.e.f., 11.04.2018 and revise the scale of pay in the cadre of Superintendent and to direct the respondents to refund the recovered amount from the petitioner along with interest, by considering the petitioner's representation, dated 09.01.2024 within the period stipulated by this Court.



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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 and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.The petitioner was initially appointed as Junior Assistant on 15.04.1987 in Agriculture Department, Thanjavur. On completion of 10 years, she was granted with Selection Grade on 15.04.1997 and after completion of 20 years, she was granted with Special Grade on 15.04.2007. She was promoted as Assistant on 11.04.2008 and granted with Selection Grade on the same day, ie., 11.04.2008. After attaining the age of superannuation, she retired from service on 31.07.2023. The fifth respondent erroneously cancelled the selection grade in the cadre of Assistant, which was granted to the petitioner on the same day of promotion and recovered the excess amount. The second respondent vide proceedings, dated 02.03.2020 rejected the petitioner's claim



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seeking to grant Selection Grade in the cadre of Assistant. On 09.01.2024, the petitioner made a representation to the respondents requesting to refund the recovered amount with interest and revise the scale of pay in the cadre of Superintendent. Though her representation was duly acknowledged, 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 the respondents 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 respondents 3 to 5 to consider the representation of the petitioner, dated



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09.01.2024 and pass appropriate orders in accordance with law, within a period of twelve (12) 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.

**26.02.2024**

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



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**L.VICTORIA GOWRI, J.**

PNM

**ORDER IN**  
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**26.02.2024**