



W.P.(MD)No.11600 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11600 of 2024 &
W.M.P.(MD)No.10328 of 2024

S.Rathinavelu

... Petitioner

vs.

1.The Director,
Animal Husbandry and Veterinary Service,
Tenkasi - District.

2.The Principal Secretary,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai - 09.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to fix the salary for the petitioner, from 01.02.1996 to 13.03.1998, the retirement date, and thereby calculate the other perks and incentives, increments, subsequent hikes etc., over and above the same fixation of Rs. 2,900/- until the retirement and subsequent pension etc.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate



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ORDER

The petitioner herein, who retired as a Senior Veterinary and Livestock Supervisor on 13.03.1998, had given several representations to the respondents seeking to fix his pay on par with the other employees working as Senior Veterinary and Livestock Supervisor *w.e.f.* 01.02.1996 till 13.03.1998. Last such representation was made on 24.07.2023. Since the representations were not considered, the present writ petition has been filed.

2. 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 them to consider the same on their 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. The failure on the part of the Authority had prompted the petitioner to file this petition seeking relief through issuance of writ of mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article



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226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

3. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 24.07.2023 on their own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on their own merits.

4. With the above direction, the Writ Petition stands **disposed of**. No costs. Consequently, connected Miscellaneous Petition was closed.

04.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order
mbi



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To

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R.N.MANJULA, J.

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