



W.P(MD)No.11969 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11969 of 2024

P.Meenakashisundaram

... Petitioner

vs.

1.The Agricultural Production Commissioner and
Secretary to Government,
Secretariat,
Chennai – 9.

2.The Director of Agricultural Marketing and Agri Business,
CIPET Road, Guindy, Chennai – 32.

3.The Secretary,
Virudhunagar Market Committee,
Virudhunagar.

... 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 revise and grant regular time scale of pay of Rs.15,700- 50,000 intended for Full Time Basic Servants including Sweepers as per the letter of the first respondent dated 03.02.2023 since the petitioner was posted on Full Time Basis from 6 AM to 2 PM as Sweeper instead of Rs.1300 –



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3000 + 300 intended for Part Time Sweepers and to grant arrears of Pay and Allowances from the date of utilization as Sweeper on Full Time Basis with effect from 05.05.2007 on completion of 480 days of initial date of appointment on 05.05.2005.

For Petitioner :Mr.S.Govindan

For Respondents :Mr.J.Ashok,
Additional Government Pleader

ORDER

Mr.J.Ashok, learned Additional Government Pleader takes notice for the respondents.

2. The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus directing the respondents to revise the scale of pay of the petitioner and grant regular time scale of pay of Rs.15,700- 50,000 intended for Full Time Basic Servants including Sweepers as per the letter of the first respondent, dated 03.02.2023, since the petitioner was posted on Full Time Basis from 6 AM, to 2 PM as Sweeper and to grant arrears of Pay and Allowances from the date of



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utilization as Sweeper on Full Time Basis with effect from 05.05.2007 on completion of 480 days from the date of initial appointment on 05.05.2005.

3. When the matter is taken up for hearing today, learned counsel for the petitioner submitted that with the above said request, the petitioner has made a representation before the third respondent on 07.10.2023, it would suffice, if a direction is issued to the third respondent to consider the same and pass orders.

4. 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



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case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the third respondents is required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 07.10.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 third respondent to consider the same on its own merits.

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

07.06.2024

NCC: Yes/No
Index : Yes/No
PM



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To

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R.N.MANJULA, J.

PM

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