



W.P.(MD).No.13785 of 2021

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

**DATED : 19.07.2024**

**CORAM**

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

**W.P.(MD).No.13785 of 2021**

N.Kamaraj

... Petitioner

**Vs.**

1.The State of Tamil Nadu,  
Rep. by the Secretary,  
Co-operative Food and Consumer  
Protection Department,  
Chennai-9.

2.The Registrar of Co-operative Societies,  
No.170, NV Natarajan Maaligai,  
Periyar EVR High Road,  
Poonamallee High Road,  
Kilpauk, Chennai-10.

3.The Joint Registrar,  
Thoothukudi Region, Thoothukudi.

4.The Deputy Registrar,  
(Public Distribution System),  
Thoothukudi.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India,  
praying this Court to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to



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consider the petitioner's proposal dated 30.05.2019 and pass appropriate orders within the stipulated time frame as fixed by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.K.Selvaganesan,  
Additional Government Pleader

### **ORDER**

This writ petition has been filed seeking direction to the 1<sup>st</sup> respondent to consider the petitioner's proposal dated 30.05.2019 .

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

2.1. The petitioner was appointed as a Junior Inspector in the respondent Department in the year 1984. On attaining the age of superannuation, he retired from service on 30.04.2015. While in service, in the year 1995, he was promoted as Senior Inspector. On completion of 10 years of service, he was awarded with selection grade on 01.09.2005. During 2008, he was promoted as Co-operative Sub Registrar. In terms of G.O.No.237 dated 22.07.2013 the double increment of 3% + 3% was granted to those who attained selection



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grade on or after 01.01.2006. In view of the same, one Mr.Jothiraj who had been junior to the petitioner, has been provided with revised salary (18,430+5,100 GP) with effect from 01.01.2013 whereas the petitioner was provided with lower salary. Hence, on 24.12.2015, the petitioner had sent a representation to the 4<sup>th</sup> respondent. In response to the same, the 4<sup>th</sup> respondent, vide letter dated 19.07.2016, informed the petitioner that Mr.Jothiraj was receiving the revised pay as per the Government order in G.O.No.237 dated 22.07.2013 from 13.01.2006 and further instructed the petitioner to amend the representation.

2.2. Accordingly, on 28.07.2016, the petitioner made a fresh representation and the 3<sup>rd</sup> respondent, vide proceedings dated 25.01.2017 had sanctioned his pay revision with effect from 13.01.2006 on par with his junior one Thiru.Jothiraj. He was also provided with revised arrears of salary. Accordingly, he made a request seeking revised pension to the 4<sup>th</sup> respondent and the same was also forwarded to the 3<sup>rd</sup> respondent and in turn the same was also forwarded to the Accountant General, Chennai, by the 3<sup>rd</sup> respondent. However, the Accountant General, Chennai, by order dated 12.03.2019 had



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returned the petitioner's request by stating that with respect to the anomalies of the retired employees would be rectified only by the Government. Pursuant to the same, on 12.04.2019, the 3<sup>rd</sup> respondent cancelled his earlier proceedings dated 25.01.2017. Thereafter, on instructions of the 3<sup>rd</sup> respondent, the petitioner submitted four copies of the proposal seeking revised pension benefits to the Government on 30.05.2019. However, the same was not considered. Hence, the present writ petition came to be filed.

3. Heard the learned counsels on either sides. Carefully perused the materials available on record.

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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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5. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's proposal dated 30.05.2019 and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

**19.07.2024**

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

To

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**L.VICTORIA GOWRI, J.**

Sml

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