



W.P.(MD).No.13070 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13070 of 2024

G.Muppidathi

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Finance Department, Fort St.George,
Chennai - 600 009.
2. The District Collector,
Tenkasi District, Tenkasi.
3. The Personal Assistant (Accounts) to the District Collector,
Tenkasi District, Tenkasi.
4. The Tahsildar,
Sankarankovil, Tenkasi District.
5. The District Treasury Officer,
Tenkasi District, Tenkasi.
6. The Subordinate Treasury Officer,
Sankarankovil, Tenkasi 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, directing the 5th and 6th respondent to implement the 2nd respondent's order of revised pay scale to the petitioner as per G.O.Ms.No. 340, dated 26.08.2010, which was followed in the 4th respondents order vide his proceeding number R.Dis.REVSKL/147/2024, dated 29.01.2024 within a time stipulated by this Court.

For Petitioner : Mr. K.P.Sankarakumarakurubaran

For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

Heard Mr. K.P.Sankarakumarakurubaran, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, for the respondents.

2.The petitioner has filed this Writ Petition seeking for a direction to the 5th and 6th respondent to implement the 2nd respondent's order of revised pay scale to the petitioner as per G.O.Ms.No. 340, dated 26.08.2010, which was followed in the 4th respondents order vide his proceeding number R.Dis.REVSKL/147/2024, dated 29.01.2024



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. Though the petitioner was selected as a Steno-Typist as per the list of selection candidates published on 07.11.2008, appointment order was given only on 11.09.2009. Thereafter, he joined duty only on 18.09.2009. He claimed that his pay fixation was not properly done. He was denied with the benefit of G.O.Ms.No.340, Finance (Pay Cell) Department, dated 26.08.2010. Therefore, he filed a writ petition before this Court to consider his representation. Pursuant to the direction given by this Court, the Government has considered the representation and rejected the same vide orders given in G.O.Ms.No.250, dated 03.11.2021. The same was challenged before this Court in WP(MD) Nos.13775 of 2022 etc., batch, in which, this Court has set aside the said Government Order. Against which, the Government has preferred a writ appeal and the same was dismissed by this Court on 01.12.2023. Aggrieved over the same, the Government has filed a S.L.P before the Hon'ble Apex Court and the same was also dismissed on 19.02.2024. In this regard, the petitioner made a representation before the respondents to



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implement the 2nd respondent's order of revised pay scale to the petitioner as per G.O.Ms.No. 340, dated 26.08.2010 and the same is pending. Hence, the present writ petition has been 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. The failure on the part of the authority had prompted the petitioner to file this petition for 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 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.

6. In the light of the above observations, there shall be a direction to the 5th and 6th respondents to consider the petitioner's representation, dated 29.01.2024, on its own merits and pass appropriate orders in accordance with



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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 case or the claim of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, this Writ Petition is disposed of. No

costs.

20.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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R.N.MANJULA, J.

PNM

ORDER IN
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