



WP(MD). No.15899 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 16/07/2024

CORAM

The Hon`ble Ms.Justice R.N.MANJULA

WP(MD). No.15899 of 2024

D.Sankaran

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by the Secretary to Government,
Higher Education Department,
St. George Fort,
Chennai 9.
2. The Director of Collegiate Education,,
College Road,
Chennai 6.
3. The Joint Director of Collegiate Education,,
Tirunelveli Regional,
Tirunelveli..
4. The District Treasury Officer,
Nagercoil,
Kanyakumari District..
5. The Secretary / Chairman,,
S.T. Hindu College,
Nagercoil,
Kanyakumari District..



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6. The Principal,,
S.T. Hindu College,
Nagercoil,
Kanyakumari District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to pay the arrear of salary from the year 2012 to 2015 on the base of the G.O.(Ms).No. 61 dated 08.03.2023 with consider the petitioner representation dated 07.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.M.Siddharthan for R1 to R4
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus to direct the 4th respondent to pay the arrear of salary from the year 2012 to 2015 on the basis of G.O.(Ms).No. 61 dated 08.03.2023 with consider the petitioner's representation dated 07.02.2024 within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondents 1 to 4. Since no adverse order is going to be passed against the 5th respondent, notice to



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the 5th respondent is dispensed with.

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3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner is working as the Head of the Department in the 5th respondent College. In order to rectify the pay anomaly, the petitioner has sent representation to the respondents on 07.02.2024. Since the said representation was not considered, the petitioner is before this Court with this writ petition.

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. 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



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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 4th respondent herein to consider the petitioner's representation dated 07.02.2024 on its own merits and pass appropriate orders in accordance with law, after making due enquiry, 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.

RR

16.07.2024



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To

1. The Secretary to Government,
Higher Education Department,
St. George Fort,
Chennai 9.

2. The Director of Collegiate Education,,
College Road,
Chennai 6.

3. The Joint Director of Collegiate Education,,
Tirunelveli Regional,
Tirunelveli..

4. The District Treasury Officer,
Nagercoil,
Kanyakumari District..



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R.N.MANJULA,J

RR

**ORDER
IN
WP(MD) No.15899 of 2024**

Date : 16/07/2024