



W.P.(MD)No.22175 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.06.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22175 of 2021

P.Sundaralingam

... Petitioner

Vs.

1.The Principal Account General, (A & E),
O/o. Principal Account General,
No.361, Anna Salai,
Chennai – 600 018.

2.The Director of School Education,
Directorate of School Education,
DPI Complex,
Chennai – 600 006.

3.The Chief Educational Officer,
O/o. Chief Educational Officer,
Thanjavur District,
Thanjavur.

4.The District Educational Officer,
Pattukottai,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to refix the salary and consequently directing to pay the arrears of salary from 01.01.2006



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by considering the representation of the petitioner dated 26.10.2018.

For Petitioner : Mr.D.R.Murugesan
For 1st Respondent : Ms.S.Mahalakshmi
Standing Counsel
For Respondents 2 to 4 : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to refix the salary and consequently directing to pay the arrears of salary from 01.01.2006 by considering the representation of the petitioner dated 26.10.2018.

2.The petitioner was appointed as a Basic Servant (Peon) provisionally by the third respondent vide order dated 08.11.1981, at Panchayat Union Elementary School, Konnaikadu (Peravurani Taluk). The petitioner was promoted as a Laboratory Assistant on 08.02.1989 at Perumagalur Government Higher Secondary School and his service was regularised vide proceedings dated 11.01.1991 from the date of promotion. Thereafter, the petitioner was further promoted as Junior Assistant to the same Government Higher Secondary School on 18.12.2002. Though he worked as Junior Assistant, he received the scale of pay as that of Lab Assistant. He is entitled to scale of pay of Junior Assistant from 31.12.2005. The Government has passed an



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Government order dated 08.11.2010, enabling the petitioner to receive the arrears of salary by refixing his scale of pay from 31.12.2005. In view of the above, the petitioner sent a representation on 26.10.2018 to the respondents 2 to 4. However, the same was not considered. Hence, this Writ Petition came to be filed.

3.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the first respondent, the learned Additional Government Pleader appearing for the respondents 2 to 4 and carefully perused the entire 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.

5.In view of the same, without going into merits of the case, this Court



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hereby direct the respondents to consider the petitioner's representation dated 26.10.2018 and to pass appropriate order in accordance with law within a period of eight weeks from the date of receipt of copy of this order.

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

04.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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L.VICTORIA GOWRI, J.

Mrn

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