



W.P.(MD).No.31156 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31156 of 2023

K.Mathialagan

... Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Pudukkottai, Pudukkottai District.
4. The District Educational Officer,
Pudukkottai, Pudukkottai District.
5. The Headmaster,
Government High School,
M.Keezhappatti, Pudukkottai 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 respondents to



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consider the petitioner's representation, dated 13.12.2022 and award monetary benefits to him in the pay scale of Rs.4800-10000 Plus GP 1300, with effect from the date of his joining of service namely 23.11.2012 in the post of Scavenger, within a time frame fixed by this Court.

For Petitioner : Mr. M.Saravanan
For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to consider the petitioner's representation, dated 13.12.2022 and award monetary benefits to him in the pay scale of Rs.4800-10000 + GP 1300, with effect from the date of his joining of service namely, 23.11.2012 in the post of Scavenger, within the time frame fixed by this Court.

2. By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4(i).On 26.08.2011, the Hon'ble Chief Minister has made an announcement under Rule 110 creating a post of Scavenger for each Government High School, following which, in the connected selection process, the petitioner had participated and on 23.11.2012, the 4th respondent has appointed the petitioner as Scavenger in Government High School, M.Keezhappatti, Pudukottai District and he joined service on the same day. His special time scale of pay is fixed at Rs.1300-3000+G.P.300. Subsequently, he was brought under time scale of pay namely, Rs.4,800-10000+G.P.1300 notionally from the date of appointment and with monetary benefits from 25.01.2018.

(ii)Though the petitioner and other scavengers were appointed by following the due process of law and were discharging full time work, the respondents granted them regular time scale of pay in a later date. Similarly placed persons filed W.P.No.28107 of 2022 claiming monetary benefit in the time scale of pay of Rs.4800-10000+G.P.1300 from the date of appointment and this Court vide order, dated 20.10.2022 directed the respondents 1 and 2 to consider their claim. In this regard, the petitioner has also given a



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representation on 13.12.2022. However, the same was not considered. Hence, this petition came to be 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 and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. Without going into the merits of the case, this Court hereby direct the respondents 1 and 2 to consider the representation of the petitioner, dated 13.12.2022 and pass appropriate orders on merits and in accordance with law, within a period of ten (10) weeks, from the date of receipt of a copy of this order.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

08.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PNM

To

1. The Principal Secretary, Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The Chief Educational Officer,
Pudukkottai, Pudukkottai District.
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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