

W.P.(MD) No.902 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.902 of 2025

Valli

... Petitioner

Vs.

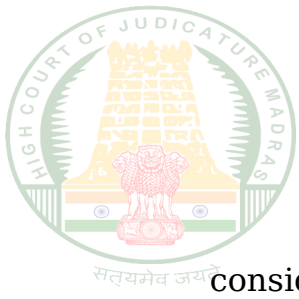
1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Block Development Officer,
(Village Panchayat),
Kallal Panchayat Union,
Sivagangai.

3.The Panchayat President,
Poyyalur Panchayat,
Kallal, Sivagangai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to pay arrears of amount to the petitioner by



W.P.(MD) No.902 of 2025

WEB COPY

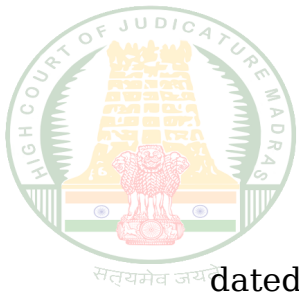
considering her representation dated 19.07.2024 within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sukumar
For Respondent No.1 : Mr.N.Satheesh Kumar
Additional Government Pleader
For Respondent No.2 : Mr.C.Satheesh
Government Advocate
For Respondent No.3 : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard the learned Counsel for the petitioner, learned Additional Government Pleader for the first respondent, learned Government Advocate for the respondents 2 & 3 and carefully perused the materials available on record.

2. The petitioner joined as Over Head Tank Operator in Varivayal Village under the third respondent vide Resolution No.18 dated 07.06.2002 of the third respondent. She is paid salary on consolidated basis. The Government of Tamil Nadu vide G.O.Ms.No. 234, Finance Department dated 01.06.2009, revised the pay scale to its employees and directed for payment of arrears from 01.01.2006. Accordingly, the first respondent vide proceedings



W.P.(MD) No.902 of 2025

WEB COPY

dated 15.06.2010, directed the second respondent to fix the pay scale and pay arrears to Over Head Tank Operators and Sweepers in the Panchayat Unions. The second respondent vide proceedings dated 25.01.2011, directed the third respondent to fix the pay scale and to pay arrears to the petitioner. Though the third respondent fixed the pay scale, but till date, they failed to pay the arrears amount. The petitioner submitted a representation dated 19.07.2024, to the respondents to alter his date of birth in service register and to pay arrears of amount but there is no reply from the respondents till date. Aggrieved by the same, the present writ petition is filed.

3. The learned Additional Government Pleader appearing for the first respondent submits that the second respondent has to consider the representation of the petitioner and to pass orders. Learned Government Advocate appearing for the respondents 2 & 3, on instructions would submit that the representation dated 19.07.2024 submitted by the petitioner is pending with the second respondent for consideration.



W.P.(MD) No.902 of 2025

WEB COPY

4. Considering the facts and circumstances of this case, this Court is of the considered opinion that though the first respondent has issued clear instructions vide proceedings dated 15.06.2010, directing the second respondent to fix the pay scale and pay arrears to Over Head Tank Operators in Panchayat Unions and though the second respondent vide proceedings dated 25.01.2011, directed the third respondent to fix the pay scale and pay arrears to the petitioner and though the third respondent fixed the pay scale, till now they failed to pay arrears to the petitioner. Even the respondents 2 & 3 also failed to consider the representation dated 19.07.2024 of the petitioner to pay the arrears for which, the petitioner is legally entitled as per the proceedings dated 15.06.2010 of the first respondent. The second & third respondents are legally bound to consider the representation of the petitioner dated 19.07.2024 and to pay arrears to the petitioner as requested therein. But the inaction of the respondents 2 & 3 in taking decision on the representation dated 19.07.2024 of the petitioner is to be held as unjustified, unreasonable and failure of discharging their duties by non-consideration of the representation dated 19.07.2024 of the petitioner.



W.P.(MD) No.902 of 2025

WEB COPY

5. For the above stated reasons, this Writ Petition is allowed with the following directions:

(i) The respondents 2 & 3 shall pay arrears of amount payable to the petitioner as per the proceedings dated 15.06.2010 of the first respondent.

(ii) For failure of the second and third respondents to take decision on the representation dated 19.07.2024, of the petitioner and for the inconvenience caused to the petitioner, the respondents 2 & 3 shall pay a cost of Rs.5000/- each to the petitioner.

(iii) The above directions shall be complied by the respondents within a period of two weeks from today.

There shall be no order as to costs.

17.02.2025

NCC : Yes/No

Index: Yes/No

Internet : Yes

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W.P.(MD) No.902 of 2025

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Block Development Officer,
(Village Panchayat),
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- 3.The Panchayat President,
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Kallal, Sivagangai District.



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W.P.(MD) No.902 of 2025

BATTU DEVANAND, J.

MR

W.P.(MD)No.902 of 2025

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