



W.P.(MD)No.15208 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.15208 of 2025

C.Elisammal

: Petitioner

Vs.

1. The Secretary,
Government of Tamil Nadu,
Finance Department.
Secretariat, Fort St.George,
Chennai 600 009.

2. The Secretary,
Personnel and Administrative Reforms
Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

3. The Director,
Public Health and Preventive Medicine,
No.359, Anna Salai,
Chennai 600 006.

4. The Deputy Director,
Health Service,
District Health Zone,
Thoothukudi,
Thoothukudi District.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to consider and dispose the petitioners pay anomaly proposal sent by the 3rd respondent in Letter No.4531706/Pa.No.5/Iru2/2023, dated 09.10.2024, which was informed by the 3rd respondent in Na.Ka.No.841860/Pa.Noo5/Eru2/2014, dated 21.11.2024, expeditiously, within a time bound manner.

For Petitioner : Mr.S.Krishna Kumar

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to consider and dispose of the petitioner's pay anomaly proposal sent by the third respondent in Letter No.4531706/Pa.No.5/Iru2/2023, dated 09.10.2024, which was informed by the third respondent in Na.Ka.No. 841860/Pa.Noo5/Eru2/2014, dated 21.11.2024, within a stipulated time frame.



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2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner asserts that she was appointed as a Village Health Nurse on 07.03.1984 and subsequently, promoted to Sector Health Nurse on 27.09.2012 and Community Health Nurse on 27.06.2019. The grievance of the petitioner is that despite the pay of her juniors had been revised with effect from 01.01.2006 notionally as per the Tamil Nadu revised Pay Rules, 2009, the same was not revised for the petitioner. In this regard, the petitioner submitted a representation dated 29.01.2025, requesting to step up the pay anomaly of the petitioner. As no action has been taken on the said representation, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to consider the proposal of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.



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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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 29.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

PKN

To

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This Writ Petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that the petitioner had sought a direction to the respondents 1 and 2 to consider and dispose of her pay anomaly proposal forwarded by the third respondent, dated 09.10.2024. This Court, vide order dated 04.06.2025, disposed of the writ petition. However, in the said order passed in W.P. (MD)No.15208 of 2025, a direction was erroneously issued to the third respondent to consider the petitioner's representation dated 29.01.2025, instead of directing the respondents 1 and 2. Therefore, the learned counsel prays that necessary corrections be made in the said order.

3. In view of the above submissions, the Registry is directed to carry out the necessary correction by substituting "the respondents 1 and 2" in place of "the third respondent" in Paragraphs 4 and 6 of the order



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dated 04.06.2025 and to issue a fresh copy of the corrected order
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forthwith.

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