



W.P.(MD)No.15239 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15239 of 2025

V.Mariappan

... Petitioner

-VS-

The General Manager,
Tirunelveli District Co-Operative Milk
Producers Union Ltd., Tirunelveli District.

... Respondent

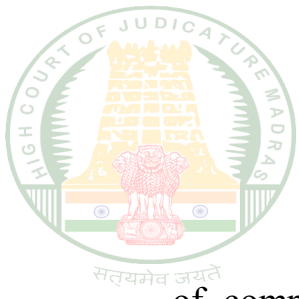
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to award the petitioner the Super Grade Pay in the cadre of Technician from the date of his completion of 30 full years of service and fix the retirement benefit following the pay revision, within the time frame, by considering his representation dated 26.04.2025.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.J.Devasenar
Standing Counsel

ORDER

This writ petition has been filed seeking a direction to the respondent to award the petitioner the Super Grade Pay in the cadre of Technician from the date



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of completion of 30 full years of service and to fix the retirement benefits following the pay revision, within a specified time frame, by considering his representation dated 26.04.2025.

2. The petitioner submits that he was appointed as a Technician (Operator) on 22.10.1992 and his services were regularized from the same date, based on his ITI qualification. Upon completion of 10 years of continuous service, he was granted Selection Grade Pay w.e.f. 22.10.2002 and subsequently Special Grade Pay was awarded on 21.11.2012. As per G.O.(Ms)No.562, Finance (Pay Cell) Department, dated 28.09.1998, employees stagnating in the same post without promotion, are eligible for enhanced grades of pay upon completion of 10, 20, and 30 years of service. The petitioner became eligible for Super Grade Pay on 01.10.2022, upon completion of 30 years of service in the same post. However, despite several representations, including the final one dated 26.04.2025, the benefit was not extended to him. The respondent's failure to grant Super Grade Pay is arbitrary and in violation of the aforementioned Government Order and the petitioner's accrued service rights.



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3. The petitioner further submits that he retired from service on 30.04.2025 upon reaching the age of superannuation, with 33 years of unblemished service, but without being granted the Super Grade Pay or corresponding retirement benefits. The terminal benefits payable to the petitioner was ordered to be withheld till the finalization of the audit objections pending against him by the respondent. Earlier, the petitioner had also faced discrepancies in the fixation of Special Grade Pay, which led to litigation and a Contempt Petition due to non-payment of arrears. The denial of Super Grade Pay appears to be a consequence of this dispute, which is unjust and unrelated. The respondent, being the competent authority, has failed in its statutory duty to consider and act upon the petitioner's legitimate request, causing undue hardship and mental agony to the petitioner. Hence, the petitioner is constrained to approach this Court, seeking appropriate directions to award him the Super Grade Pay from 01.10.2022 and fix his retirement benefits accordingly.

4. Heard both sides.

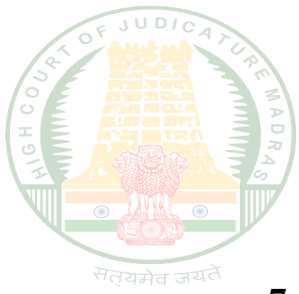


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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping 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 respondent herein to consider the petitioner's representation dated 26.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, 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 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.

NCC : Yes / No

Index : Yes / No

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To:-

The General Manager,
Tirunelveli District Co-Operative Milk
Producers Union Ltd., Tirunelveli District.



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VIVEK KUMAR SINGH, J.

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