

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.08.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 20659 of 2018

G.Balasubramanian (Ex.VAO)

...Petitioner

Vs.

1. Government of Tamil Nadu,
Rep by Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3. The District Collector,
Krishnagiri District, Krishnagiri.

4. The Revenue Divisional Officer,
Krishnagiri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent herein to consider the petitioner's representation dated 15.07.2017 for grant of minimum pension consequent on his retirement as Village Administrative Officer on 31.01.2009 after noon, in the light of G.O.Ms.No.148, Revenue (Service 8 (2) Department, dated 20.04.2011 and G.O.Ms.No.158 (Revenue (Service 8 (2) Department, dated 08.04.2015 and pass orders within a limited time frame granting minimum pension and disburse the monthly pension regularly and pass order in accordance with law.

For Petitioner : Mr. R.Thamaraiselvan

For Respondents : Mrs. R.Janaki

Additional Government Pleader

O R D E R

Heard Mr. R.Thamaraiselvan, the learned counsel appearing for the petitioner and Mrs. R.Janaki, the learned Additional Government Pleader who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, this Writ Petition is taken up for disposal.

2. The grievance of the petitioner, in this Writ Petition is that, he worked as Village Administrative Officer (V.A.O.) and retired from service on 31.01.2009. Thereafter, seeking minimum pension, he has made a representation on 15.07.2017, inasmuch as, the Government Order, issued vide G.O.Ms.No. 158 [Revenue (Service 8(2) Department] dated 08.04.2015, speaks for grant of minimum pension to such employees. The representation, in this regard, though made on 15.07.2017 to the first respondent with a copy marked to other respondents, but, the same having evoked no response, he has filed this Writ Petition, challenging such inaction of the respondents with a prayer to issue a Writ of Mandamus directing the first respondent to dispose of his representation within a stipulated period.

3. The learned counsel appearing for the petitioner submits that since the petitioner is entitled to the minimum pension by virtue of the aforesaid Government Order, and in spite of the representation made, no order has been passed on the same, direction, as prayed for, may be issued to the respondents without awaiting for the reply affidavit.

4. The learned Additional Government Pleader for the respondents submits that, if such representation is pending, the same shall be disposed of within the time stipulated in accordance with law. However, this Court should not put any fetter on the merit in any manner to dispose of the representation.

5. Regard being had to the aforesaid facts and submissions made. This Court disposes of this Writ Petition at the stage of admission without seeking reply affidavit, with a direction to the third respondent to dispose of such representation of the petitioner, in its own merit, within a period of eight weeks from the date of receipt of the copy of this order, if there is no other legal impediments. However, it is specifically made clear that this Court has expressed no opinion on the merit of the representation of the petitioner in any manner. No Costs.

mrm/s

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3. The District Collector,
Krishnagiri District, Krishnagiri.

4. The Revenue Divisional Officer,
Krishnagiri.

+1cc to Mr.R.Thamarai Selvan, Advocate SR.NO.55433

+1cc to Government Pleader SR.NO.55641

KK(CO)
sm:31.8.2018

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