

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4286 of 2019

A.Narayanan

...Petitioner

Vs

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Chepauk,
Chennai - 05.
3. The District Collector,
Salem District,
Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to pass an order of Writ of Mandamus, directing the respondents to count half of the service rendered by the petitioner as Village Karnam from 01.01.1974 as qualifying service for pension along with his regular service in the post of Village Administrative Officer from 11.08.1982 and accordingly revise his pension and other pensionary benefits with all consequential service and monetary benefits.

For Petitioner : Mr.Swadhi Subramaniam

For Respondents: Mr.S.Suresh Kumar
Government Advocate

O R D E R

The prayer sought for in the present writ petition is to count half of the service rendered by the petitioner as Village Karnam from 01.01.1974 as qualifying service for pension along with his regular service in the post of Village Administrative Officer from 11.08.1982.

2. Since the respondents herein had not included the earlier service rendered by the petitioner, he had made a representation dated 21.03.2018 and 06.08.2018 ventilating his grievance. In view of non-consideration of his representation, the present writ petition has been filed.

3. Whenever the representation of this nature is made to the competent Authority, there is a duty cast on them to dispose of the same in one way or the other instead of keeping it pending indefinitely. Since, the non-consideration of the representation, within a reasonable time, would amount to dereliction of duty on the part of the respondents, this Court would be justified in invoking its powers under Article 226 of the Constitution of India. In view of the same, it would be appropriate to direct the respondents herein to consider the representation within a stipulated time.

4. At this juncture, the learned counsel for the petitioner would submit that the issue involved in the petitioner's representation is covered by a decision of the Hon'ble Division Bench of this Court in Writ Appeal (MD). No.1065 of 2018 dated 17.09.2018.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 06.08.2018, in the light of the Judgment dated 17.09.2018 made in W.A. (MD). No.1065 of 2018 cited supra and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Principal Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai - 05.

3. The District Collector, Salem District, Salem.

+1cc to Mr.R.PremNarayanan , Advocate SR.No. 32571

1 cc to Government Pleader SR.NO. 33404

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ssd(CO)

A SR (06/05/2019)