

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 22.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11735 of 2019

M.Esakkiappan

...Petitioner

Vs

The Secretary to Government,
Finance (Paycell) Department,
Fort St.George,
Chennai - 600009.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondent to consider and pass orders on the representation of the petitioner dated 26.04.2018 for rectification anomalies in his pension fixation.

For Petitioner : Ms.Swadhi Subramaniam

For Respondents: Mrs.K.Bhuvaneswari, AGP

O R D E R

The grievance of the petitioner is that though G.O.Ms.No.235 dated 01.06.2009 stipulates that the fixation of pension shall be subject to the provisions that the revised pension shall not be lower than 50% of the minimum of the pay in the pay band, the respondent herein had calculated the fixation at the minimum pay alone. In this connection, the petitioner herein had given a representation dated 26.04.2018 to the respondent herein and since the representation was not considered in time, the present writ petition has been filed.

2. It is needless to point out that whenever a representation of this nature is made to the appropriate authority, the concerned authority is required to pass orders in one way or the other, instead of keeping it pending. The very fact that the respondent has not passed orders on the petitioner's representation, would amount to dereliction of the duties and as such, this Court can invoke its powers under Article 226 of the Constitution of India and thereby, direct the

respondent to dispose of the petitioner's representation within a stipulated time.

3. In the light of the above observations, there shall be a direction to the respondent herein to dispose of the representation of the petitioner dated 26.04.2018 for rectification of anomalies in his pension fixation and pass appropriate orders as expeditiously as possible, in any event, within a period of 8 weeks from the date of receipt of copy of this order, in accordance with Clause 2(vi) of G.O.Ms.No.235 dated 01.06.2009.

4. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

hvk

To

The Secretary to Government,
Finance (Paycell) Department,
Fort St.George,
Chennai - 600009.

+1cc to the Government Pleader, S.R.No. 38858

W.P.No.11735 of 2019

NA (CO)
GN (04/06/2019)

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