



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26136 of 2019

M.Srinivasan

... Petitioner

/vs./

1.The Accountant General (A&E),
Pension,
391, Anna Salai,
Chennai.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Vembakottai Taluk,
Vembakottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the first respondent to sanction the pensionary benefits to the petitioner from the retirement by calculating the petitioner's service from the his original date of appointment on 01.10.1968 with arrears in the light of Judgment of the Hon'ble Court in the case of A.P.Srivastava Vs., Union of India and ors reported in 1996(1)LLJ 241 and on the basis of the petitioner's representation dated 09.11.2019.

For Petitioner	: Mr.K.K.Kannan
For Respondents	: Mr.P.Gunasekaran (for R1) Mr.R.Sethuraman Special Government Pleader (for R2 & R3)

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of Writ of Mandamus to direct the first respondent to sanction the pensionary benefits to the petitioner from the retirement by calculating the petitioner service from the petitioner's original date of appointment on 01.10.1968 with arrears in the light of Judgment of the Hon'ble Court in the case of **A.P.Srivastava Vs., Union of India and ors** reported in **1996(1)LLJ 241**, in my view, such a decision is



to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 09.11.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. At this juncture, the learned Special Government Pleader would submit that the appropriate authority to forward the proposals to the first respondent would be the second respondent, on receiving appropriate proposals from the third respondent.

6. In this connection, the petitioner is granted liberty to make a fresh representation to the third respondent ventilating his grievances. On receipt of such representation, the third respondent shall forward the required proposals, on its own merits to the second respondent and the second respondent, in turn shall if deemed fit, forward his proposals to the first respondent herein for further action. The second and third respondents shall endeavour to send their necessary proposals atleast within a period of four weeks from the date of receipt of such representation/proposals respectively. On receiving such proposal, the first respondent is directed to consider the proposal sent by the second respondent within a period of six weeks from the date of receipt of such proposal.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



1.The Accountant General (A&E),
Pension,
391, Anna Salai,
Chennai.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Vembakottai Taluk,
Vembakottai,
Virudhunagar District.

+1cc to Mr.K.K.Kannan, Advocate SR.No.104012
+1cc to Mr.P.Gunasekaran, Advocate Sr.No.104099
+1cc to PSL GP SR.No.104217

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