



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.26474 of 2019

S.Ravichandran

...Petitioner

Vs

1. The Chairman

Tamil Nadu Electricity Board
8th Floor, N.P.K.R.R. Maaligai
114 Anna Salai
Chennai - 600 002

2. The Chief Engineer Personnel

Tamil Nadu Electricity Board
8th Floor, N.P.K.R.R. Maaligai
114 Anna Salai
Chennai - 600 002

3. The Chief Engineer

Tuticorin Thermal Power Station
Thoothukudi - 628 004

4. The Commissioner

Department of Industrial and Commerce
Chepauk
Chennai

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to grant Pro-Rata Pension by counting his past service rendered in Department of Industries and Commerce from 07.07.1989 to 23.01.1990 along with service rendered before this Board from 23.11.1992 to 01.08.2009 along with gratuity and wage revision and to pay arrear for the same and to pay pension regularly within the time limit stipulated by this Court.

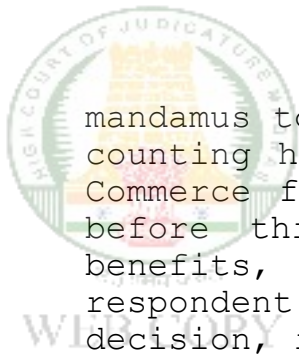
For Petitioner : Mr.D.Selvanayagam

For Respondents : For R1 to R3 - Mr.T.Sakthikumaran
For R4 - Mr.M.Jeyakumar
Additional Government Pleader

O R D E R

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 grant Pro-Rata Pension by counting his past service rendered in Department of Industries and Commerce from 07.07.1989 to 23.01.1990 along with service rendered before this Board from 23.11.1992 to 01.08.2009 with monetary benefits, in my view, such a decision is to be taken by the first respondent 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 21.10.2019 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. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 21.10.2019, on its own merits and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

Vrn
TO

The Chairman
Tamil Nadu Electricity Board
8th Floor, N.P.K.R.R. Maaligai
114 Anna Salai
Chennai - 600 002



+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-104841[F] dated 13/12/2019)

+1 CC to M/s.SPL GP (SR-105070[F] dated 16/12/2019)

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-105013[F] dated 13/12/2019)

W.P. (MD) No.26474 of 2019
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KK/SAR/06.01.2020/3P-5C/