



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2020

CORAM:

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

W.P. (MD) No.2394 of 2020

G.Thiruppathi

... Petitioner

/Vs./

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-9.

2.The Commissioner of Survey and Settlement,
Survey House, Chepauk, Chennai-5.

3.The Assistant Director of Survey and Land Records,
District Survey Office,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay pension and gratuity amount to the petitioner by following the procedure under Rule 39(1) & (2) of the Tamil Nadu Pension Rules by considering the representation dated 21.04.2018 within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Additional Government Pleader

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 respondents to pay pension and gratuity amount to the petitioner by following the procedure under Rule 39 (1) & (2) of the Tamil Nadu Pension Rules, 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 21.04.2018 in this regard, which is said to be pending. If the said representation is directed to be disposed of within the 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 21.04.2018, on its own merits and pass appropriate orders within a period of twelve (12) 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 his representation and it is for the first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

- 1.The Principal Secretary to Government,
Revenue Department, Secretariat, Chennai-9.
- 2.The Commissioner of Survey and Settlement,
Survey House, Chepauk, Chennai-5.
- 3.The Assistant Director of Survey and Land Records,
District Survey Office, Dindigul.

+1 CC to M/s.SPL GP (SR-5402[F] dated 10/02/2020)

+1 CC to M/s.D.VENKATESH, Advocate (SR-5525[F] dated 11/02/2020)

Order made in

W.P. (MD) No.2394 of 2020

Dated:07.02.2020

KMV (CO)

TP(20.02.2020) 2P 6C
<https://hcservices.ecourts.gov.in/hcservices/>