



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.02.2020**

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.3041 of 2020

WEB COPY

O.Gnanasekaran

... Petitioner

/vs./

The Commissioner,
Tiruchirapalli Corporation,
Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to take 50% on the periods from 01.07.1983 to 02.04.1991 worked on daily wages under the respondent's Corporation along with the periods from the date of regularizing the appointment to the post of Driver till the date of retirement i.e., on 30.04.2018 for calculating the pension and pensionary benefits and any other benefits as legally entitled to the petitioner and revise the pension on that basis by considering the representation dated 17.05.2019 and as per the G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009 within the time stipulated by this Court.

For Petitioner : Mr.V.R.Venkatesan

For Respondent : Mr.N.S.Karthikeyan
Standing Counsel

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 respondent to take 50% on the periods from 01.07.1983 to 02.04.1991 worked on daily wages under the respondent's Corporation along with the periods from the date of regularizing the post of appointment to the post of Driver till the date of retirement i.e., on 30.04.2018 for calculating the pension and pensionary benefits and any other benefits as legally entitled to him and revise the pension on that basis by considering the representation dated 17.05.2019 and as per G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009, in my view, such a decision is to be taken by the 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 17.05.2019 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 respondent herein to consider the petitioner's representation, dated 17.05.2019, on its own merits and pass appropriate orders within a period of six (6) 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 respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

+1 CC to Mr.V.R.VENKATESAN, Advocate (SR-6632[F] dated 17/02/2020)
+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-6698[F] dated
17/02/2020)

Order made in
W.P.(MD)No.3041 of 2020
Dated:14.02.2020

MK (26.02.2020) 2P 3C