



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2020

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CORAM:

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

W.P.(MD) No.3785 of 2020

S.Murugan

... Petitioner

/vs./

- 1.The Government of Tamil Nadu,
rep., by its Secretary to Government,
Highways Department,
Fort St.George, Chennai 600 009.
- 2.The Accountant General (A & E),
361, Anna Salai, Teynampet,
Chennai 600 018.
- 3.The Chief Engineer,
Highways Department,
Chennai 600 005.
- 4.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Dindigul, Dindigul District.
- 5.The Superintending Engineer,
Dindigul Highways and Rural Works Department,
Dindigul, Dindigul District.
- 6.The Assistant Divisional Engineer,
Highways Department,
Athur, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to count the break of service in respect of the petitioner for the period from 01.10.1991 to 11.06.1998 and to count half of the service rendered by the petitioner as NMR Mazdoor from 01.12.1976 to 1992 as qualifying service for pension and sanction the pensionary



benefits to the petitioner with effect from 30.06.2011 based on the petitioner's representation dated 05.11.2019.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.R.Sethuraman

Special Government Pleader (for R1, R3 to R6)

Mr.P.Gunasekaran (for R2)

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 count the break of service in respect of the petitioner for the period from 01.10.1991 to 11.06.1998 and to count half of the service rendered by the petitioner as NMR Mazdoor from 01.12.1976 to 1992 as qualifying service for pension and sanction the pensionary benefits to the petitioner with effect from 30.06.2011, in my view, such a decision is to be taken by the third 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 05.11.2019 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. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 05.11.2019, on its own merits and pass appropriate orders within a period of three (3) months 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 third respondent to consider it in accordance with law.



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

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// True Copy //

Sd/-

Assistant Registrar (AD-I)

/ /2020

Sub Assistant Registrar(CS)

To:

- 1.The Secretary to Government,
Government of Tamil Nadu,
Highways Department,
Fort St.George, Chennai 600 009.
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- 6.The Assistant Divisional Engineer,
Highways Department,
Athur, Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-8272[F]

Order made in
W.P.(MD)No.3785 of 2020
25.02.2020

rmk

SDS (12.03.2020) 3P-8C