



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.15240 of 2019

WEB COPY

1. R.Jeevanantham

2. M.Karunakaran

:Petitioners

Vs

1. The Principal Secretary to Government of Tamil Nadu
Rural Development and Panchayat Raj Department
Fort St.George
Chennai - 600 009

2. The Director of Rural Development and Panchayat
Panagal Building
Chennai - 600 015

3. The Principal Accountant General (A&E)
No.361, Annasalai
Chennai

4. The District Collector
Office of the District Collector
Madurai

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent herein to count the services rendered by the petitioners herein in the post of Part time Panchayat Clerks for the purpose of pension and retiral benefits together with all consequential benefits in view of G.O.Ms.No.39 dated 13.06.2011 and as per the order passed by this Court in W.A.No.1111/2016 dated 22.03.2018 within the time stipulated by this Court.

For Petitioner : Mr. A.R.Kannappan

For Respondents : For R1, R2 & R4 - Mr.M.Jeyakumar
Additional Government Pleader
For R3 - Mr.P.Gunasekaran

O R D E R

This Writ Petition has been filed to direct the first respondent herein to count the services rendered by the petitioners herein in the post of Part time Panchayat Clerks for the purpose of pension and retiral benefits together with all consequential benefits in view of G.O.Ms.No.39 dated 13.06.2011 and as per the order passed by this Court in W.A.No.1111/2016 dated 22.03.2018 within the time stipulated by this Court.



2. Though the petitioners had sought for issuance of writ of mandamus to the first respondent to count the services rendered by the petitioners, for the purpose of pension and retiral benefits together with all consequential benefits, in my view, such a decision is to be taken by the respondents and in case, the petitioners are aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioners would submit that they have already made representation on 12.06.2019 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 12.06.2019, in the light of the decision rendered by this Court in WP(MD) No.15783 of 2018 dated 09.05.2019 and pass appropriate orders within a period of eight (8) 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 petitioners in their representations and it is for the respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn



To

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+1 CC to SPL.GP (SR-1356[F] dated 10/01/2020)

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-1509[F] dated 10/01/2020)

+1 CC to Mr.A.R.KANNAPPAN, Advocate (SR-1448[F] dated 10/01/2020)

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VB(03.02.2020) 3P 8C