



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.20357 of 2018

R.Ganapathy

...Petitioner

Vs

1.The Director of Public Health
and Preventive Medicine,
Chennai-600 006.

2.The Deputy Director of Health Services,
Cuddalore-607 001.

3.The Principal Accountant General (A&G),
Tamil Nadu, Chennai-600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to submit a revised pension proposals to the third respondent in the light of the order dated 01.08.2012 in W.P.No.20554 of 2012 and consequent on the dismissal of SLP (C) 35969 of 2009 dated 25.02.2015 by the Hon'ble Supreme Court of India and consequentially direct the third respondent to authorize revised pensionary benefits and disburse within a stipulated time frame, the arrears with interest for delayed payment.

For Petitioner : Mr.M.Ravi

For Respondents: Mr.K.Tippu Sultan, GA

O R D E R

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. Since the petitioner's request to send the revised pension proposals to the third respondent herein and to disburse the revised pensionary benefits from 01.01.1996 with all arrears was not considered, the present Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 03.10.2017, which is still pending.



3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 03.10.2017 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 03.10.2017 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. There shall be no orders as to costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

DP

To

1.The Director of Public Health
and Preventive Medicine,
Chennai-600 006.

2.The Deputy Director of Health Services,
Cuddalore-607 001.

3.The Principal Accountant General (A&G),
Tamil Nadu, Chennai-600 018.

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PCH(CO)
SP(09/08/2021)