

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10952 of 2021

S.Kondiah

...Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Central, Chennai-600 003.

2.The Executive Officer,
Unit No.36, Zone No.12, Division No.161,
The Greater Corporation of Chennai,
Alandur, Chennai 600 016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to consider the petitioner's last representation dated 20.07.2020 and to dispose the same within a stipulated time framed and consequently direct the first respondent to give full family pension to the petitioner based upon the petitioner's temporary service between 16.10.1982 to 05.12.1988 in the light to Local administration & Finance Audition Order M.M.No.AZ/000452/2014 dated 30.05.2014 and another Circular of Solidity Management T.Ka.M.Na.Ka.No.A3/130/2019 dated 03.06.2019.

For Petitioner : Mr.M.Chidambaram
For Respondents: Mr.M.Ganesan, SC

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 the respondents to give full family pension based upon his temporary service in between 16.10.1982 and 05.12.1988, in the light of the Local Administration & Finance Audition Order, was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 20.07.2020, 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 20.07.2020, 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 first respondent to consider the petitioner's representation dated 20.07.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sbn/hvk

To

1.The Commissioner,
Corporation of Chennai,
Rippon Building,
Central, Chennai-600 003.

2.The Executive Officer,
Unit No.36, Zone No.12, Division No.161,
The Greater Corporation of Chennai,
Alandur, Chennai 600 016.

+1cc to Mr.M.Ganesan, Advocate, S.R.No.26395

+1cc to Mr.M.Chidambaram, Advocate, S.R.No. 26167

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