



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.28330 of 2016

K.Arumugam

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep.by the Secretary to Government,
Revenue Department, Fort St. George,
Chennai-600009.

2.The Collector,
Salem,
Salem District.

3.The Revenue Divisional Officer,
Salem, Salem District.

4.The Tahsildar,
Salem, Salem District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant pension to the petitioner with effect from the date of his retirement, namely 30.06.1999 with all consequential benefits including payment of arrears with interest.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.K.V.Sajeew Kumar
Government Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's request to grant pension with effect from the date of his retirement, i.e., 30.06.1999, with all consequential benefits including payment of arrears with interest, was not considered, the present writ petition has been



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.

5. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the fourth respondent, along with a copy of the earlier representation dated 12.09.2013, ventilating his grievances, within a period of 2 weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent shall consider it on its own merits and take appropriate course of action in accordance with law, within a period of three months from the date of receipt of the fresh representation. It is made clear that this Court has not passed any positive directions with regard to the petitioner's entitlement for pension.

Sd/-
Assistant Registrar (CS-II)

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>



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Salem,
Salem District.

3.The Revenue Divisional Officer,
Salem,
Salem District.

4.The Tahsildar,
Salem,
Salem District.

+1cc to Mr.P.Rajendran, Advocate Sr.No. 29910

+1cc to the Government Pleader, Sr.No.30212

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CA(CO)
RVM(10/08/2021)