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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.19154 of 2021

L.Mani

...Petitioner

-Vs-

1. The Secretary,
Tamilnadu Udal Uzahippu
Thozhilalar Nala Variyam,
New.No.69, Old.No.35,
Thiru.Vi.Ka.Salai,
Royapet, Chennai - 600 014.

2. The Assistant Labour Commissioner,
Office of the Assistant Labour Commissioner
(Social Security Scheme Department)
Korimedu, Salem, Salem District.

3. The Deputy Labour Commissioner,
Office of the Deputy Labour Commissioner
(Social Security Scheme Department)
Mettur Dam, Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant the pension to the petitioner as per pension benefits scheme under the Thaiyal Thozhilalar Nala Variyam based on the representation of the petitioner dated 07.12.2020 and 13.08.2021 within stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.R.Murugabharathi

For Respondents : Mr.S.Arumugham,
Government Counsel

ORDER

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

2. Since the petitioner's request seeking for pension as per the pension benefits scheme under the Thaiyal Thozhilalar Nala



Variyam was not considered by the respondents, the present writ petition has been filed. According to the petitioner, he has made representations in this regard on 07.12.2020 and 13.08.2021, which are still pending.

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3. It is needless to point out that whenever representations of this nature are 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 representations 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 representations dated 07.12.2020 and 13.08.2021 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 herein to consider the petitioner's representations dated 07.12.2020 and 13.08.2021 on its own merits and pass appropriate orders in accordance with law, within a period of 12 weeks 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 III)

//True Copy//

Sub Assistant Registrar

hvk
To

1. The Secretary,
Tamilnadu Udal Uzahippu
Thozhilalar Nala Variyam,
New.No.69, Old.No.35,
Thiru.Vi.Ka.Salai,
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2. The Assistant Labour Commissioner,
Office of the Assistant Labour Commissioner
(Social Security Scheme Department)
Korimedu, Salem,
Salem District.

3. The Deputy Labour Commissioner,
Office of the Deputy Labour Commissioner
(Social Security Scheme Department)
Mettur Dam,
Salem District.

+1cc to Mr.R.Murugabharathi, Advocate, S.R.No.46092
+1cc to the Government Pleader, S.R.No.46900

W.P.No.19154 of 2021

RSV[co]
NSK 01/10/2021