

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.33211 of 2014
and
WMP.No.3051 of 2016

D.Soundararajan

... Petitioner

Vs

1. The Chairman cum Managing Director,
Tamilnadu Generation and
Distribution Corporation Ltd (TANGEDCO),
144, Anna Salai, Chennai 2.

2. The Chief Engineer/Personnel,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai 2.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent herein to consider and pass orders on merits and in accordance with law on the petitioner's representation dated 21.01.2013 regarding sanction of pension to the petitioner in the light of the Judgment of Division Bench of this Hon'ble Court reported in 2009 WLR page 12, with in a time frame as deem fit and proper by this Hon'ble Court.

For Petitioner : Mr.G.Bala & Daisy

For Respondents : Mr.M.Fakker Mohideen

ORDER

Heard both sides and perused the materials placed before this Court.

2.This writ petition has been filed for a direction to the first respondent to consider the petitioner's representation dated 21.01.2013 relating to sanction of pension and pass orders on merits and in accordance with law.

3. According to the petitioner, he was appointed as Tester in the respondent Corporation on 02.01.1962 and was promoted as Junior Engineer and further promoted as Junior Engineer Grade I and he rendered more than 20 years of continuous service. In the year 1976, he met with an accident, due to which, he was unable to stand for a long time. Hence, he was constrained to submit his resignation on 21.02.1980, which was accepted and he was relieved from service on 04.03.1981. Though he was eligible and entitled to get pension, the same was not considered, which compelled him to file the present writ petition for the aforesaid relief.

4. Upon notice, the respondents filed a detailed counter affidavit, negating the claim made in the writ petition.

5. The relief sought herein is to issue a direction to the first respondent only to consider the representation submitted by the petitioner dated 21.01.2013 and pass orders, on merits and in accordance with law.

6. According to the learned counsel for the petitioner, the representation submitted by the petitioner seeking pension was not considered till date. However, the learned counsel appearing for the respondents is unable to state the present position of the said representation.

7. By G.O.Ms.No.99, Personnel and Administrative Reforms (A) Department, dated 21.09.2015, the Government has issued procedures for dealing with the representations received to the Government Offices, the relevant clause of which, is profitably, reproduced hereunder:

"3. Accordingly, the following revised procedures issued for dealing with the grievance petition received through online and off-line in the Government officers:

i. An acknowledgement should go immediately and at the most within three days of the receipt of grievance petitions.

ii. Grievance itself should be redressed within a maximum period of one month of its receipt and it should be with a speaking order in the event of a redressal or rejection, if found necessary.

iii. The citizens approaching the Government departments with their grievance petitions should be informed of the progress of his/her grievance.

iv. In case, for some reason, additional time is required for its finalization, the person, who has given grievance petition, should be informed in writing for the extended period of time for its finalization.

v. In case, it is not found feasible to acceded to

his/her request, a reasoned reply may be issued to the aggrieved citizen within the stipulated time limit of one month."

Thus, it is clear from the aforesaid clause that the representation received should be considered one way or other and the same should be communicated to the aggrieved party, by a reasoned reply, within a period of one month from the date of its receipt.

8.As such, considering the limited relief sought for herein, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 21.01.2013, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman cum Managing Director,
Tamilnadu Generation and
Distribution Corporation Ltd (TANGEDCO),
144, Anna Salai, Chennai 2.
2. The Chief Engineer/Personnel,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
144, Anna Salai, Chennai 2.

+1cc to Mr.M.Fakker Mohideen, Advocate Sr.5201
+1cc to M/s.G.Bala & Daisy, Advocate Sr.5211

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srg 26/02/2021