



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.1249 of 2021

J.Ganaraj Muthiah

...Petitioner

Vs

1.The Chairman,
Tamilnadu Electricity Board,
No.800, Anna Salai,
Chennai-2.

2.Superintending Engineer,
Tamilnadu Electricity Production and Distribution,
Railway Peder Road,
Virdhunagar,
Virdhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to count 50% petitioner's service and provide pension benefit for his temporary service from 16.08.1969 to 07.08.1973 based on his representation dated 03.11.2020.

For Petitioner : Mr.P.Senthoorpandi, Advocate

For Respondents : Mr.T.Sakthikumaran
Standing Counsel

O R D E R

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

2.Since the petitioner's request to the respondent to count 50% of his service and provide pension benefit for his temporary service from 16.08.1969 to 07.08.1973 were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 03.11.2020, 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.

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4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation dated 03.11.2020, 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 view 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 03.11.2020, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

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

Sd/-
Assistant Registrar

/TRUE COPY/

/ /2021
Sub Assistant Registrar

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The Superintending Engineer,
Tamilnadu Electricity Production and Distribution,
Railway Peder Road,
Virdhunagar, Virdhunagar District.

+1. C.C. to M/S.P.Senthoorpandi, Advocate SR.No. 2316

Order made in
W.P. (MD) No.1249 of 2021
27.01.2021

CP
JM/10.02.2021/2P/3C