



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1986 of 2021

WEB COPY

K.Sonaiyah

...Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai - 09.

2.The Director of Town Panchayats,
Directorate of Town Panchayats,
No.75, Santhome High Road,
R.A.Puram,
Chennai - 28.

3.The Inspector - Head Quarters,
Local Fund Audit Department,
Town Panchayat Pension Division,
Kuralagam,
Chennai - 600 018.

4.The Assistant Director of Town Panchayat,
Sivagangai District, Sivagangai.

5.The Executive Officer,
Manamadurai Town Panchayat (Selection Grade),
Manamadurai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 5th respondent to get approval from the 1st and 2nd respondent and send revised pension proposal and grant retirement and pension benefits along with accrued interest at the earliest by considering the petitioner's representation dated 20.11.2020, within the time stipulated by this Court.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.P.Mahendran for R1 to R4
Additional Government Pleader

Mr.K.P.Narayanakumar for R5
Special Government Pleader



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 respondents to grant and send revised pension proposal and to grant retirement and pension benefits along with accrued interest at the earliest, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.11.2020, 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.

4. In the light of the above observations, it would be appropriate to direct the fifth respondent herein to consider the petitioner's representation dated 20.11.2020, 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 fifth respondent to consider the petitioner's representation dated 20.11.2020, 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 (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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

- 1.The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply
Department, Fort St. George, Chennai - 09.
 - 2.The Director of Town Panchayats, Directorate of Town Panchayats,
No.75, Santhome High Road, R.A.Puram, Chennai - 28.
 - 3.The Inspector - Head Quarters, Local Fund Audit Department,
Town Panchayat Pension Division,
Kuralagam, Chennai - 600 018.
 - 4.The Assistant Director of Town Panchayat,
Sivagangai District, Sivagangai.
 - 5.The Executive Officer,
Manamadurai Town Panchayat (Selection Grade),
Manamadurai, Sivagangai District.
- +1 CC to Mr.R.NARAYANAN, Advocate (SR-3658[F] dated 08/02/2021)
- +1 CC to SGP (SR-3752[F] dated 08/02/2021)

W.P. (MD) No.1986 of 2021
05.02.2021

KM (19.02.2021) 3P 8C