



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2079 of 2021

M.Senthamilselvam

...Petitioner

Vs.

1.The Commissioner,
Thanjavur Corporation,
Thanjavur.

2.The Director,
Directorate of Local Fund Audits,
Integrated Revenue Department Office Complex,
Nandhanam, Chennai - 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents forthwith to revise the petitioner's pension in accordance with the proceedings of the 1st respondent, dated 08.07.2020 consequently pay the arrears of pension along with an interest at the rate of 12%.

For Petitioner : Mr.Sesubalan Raja

For Respondents : Mr.N.Dilip Kumar for R1

Mrs.J.Padmavathi Devi for R2

Special Government Pleader

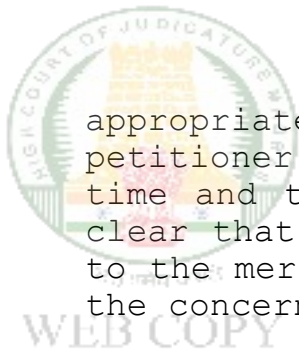
O R D E R

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 revise the petitioner's pension in accordance with the proceedings of the 1st respondent and to pay the arrears of pension along with an interest at the rate of 12% per annum, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 18.07.2020, 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 second respondent herein to consider the petitioner's representation dated 18.07.2020, 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 18.07.2020, which has been forwarded by the first respondent, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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 (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Commissioner,
Thanjavur Corporation,
Thanjavur.

2. The Director,
Directorate of Local Fund Audits,
Integrated Revenue Department Office Complex,
Nandhanam, Chennai - 600 035.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-3626[F] dated 05/02/2021)

+1 CC to M/s.SPL GP (SR-3802[F] dated 08/02/2021)

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SMV (CO)
KB (24.02.2021) 2P 5C