



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.4502 of 2021

P.R.Thirunavukkarasu

...Petitioner

Vs.

- 1.The Principal Accountant General (A&E) Pension,
Accountant General Officer,
No.291, Anna Salai,
Chennai.
- 2.The Secretary to Government,
Social Welfare and Noon Meal Organization Department,
Fort St. George,
Chennai.
- 3.The Secretary to Government,
Registration Department, Chennai.
- 4.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Chennai.
- 5.The Commissioner,
Social Welfare and Noon Meal Organization Department,
Chepauk,
Chennai.
- 6.The District Collector,
Sivagangai District.
- 7.The District Collector,
Madurai.
- 8.The P.A. to Collector (PAPD),
Noon Meal Scheme,
Collectorate,
Sivagangai.
- 9.The Commissioner,
Panchayat Union,
Block Development Officer,
Sivagangai.



10.The Sub Registrar,
Sub Registrar Office,
Kalaiyarkovil,
Sivagangai District.

11.The Block Development Officer,
Kottampatti Panchayat Union,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to calculate the petitioner service rendered as Noon Meal Organizer, Junior Assistant in Registration Department along with the petitioner service as Junior Assistant in Rural Development and pay regular pension for the petitioner service rendered from 02.02.1983 to 31.05.2019, which comes around 36 years of service, within the time stipulated by this Court

For Petitioner : Mr.V.Manikandan

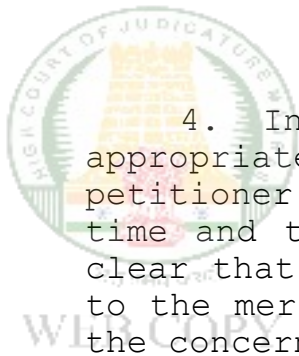
For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

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 calculate the petitioner service rendered as Noon Meal Organizer, Junior Assistant in Registration Department along with the petitioner service as Junior Assistant in Rural Development and pay regular pension for the petitioner service rendered from 02.02.1983 to 31.05.2019, which comes around 36 years of service, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 29.10.2020, 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 sixth respondent herein to consider the petitioner's representation dated 29.10.2020, 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 sixth respondent to consider the petitioner's representation dated 29.10.2020, 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 (CS-I)

// 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 Principal Accountant General (A&E) Pension,
Accountant General Officer, No.291, Anna Salai, Chennai.
2. The Secretary to Government,
Social Welfare and Noon Meal Organization Department,
Fort St. George, Chennai.
3. The Secretary to Government, Registration Department, Chennai.
4. The Secretary to Government,
Rural Development and Panchayat Raj Department, Chennai.
5. The Commissioner, Social Welfare and Noon Meal Organization
Department, Chepauk, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



6.The District Collector, Sivagangai District.

7.The District Collector, Madurai.

8.The P.A. to Collector (PAPD), Noon Meal Scheme, Collectorate, Sivagangai.

9.The Commissioner, Panchayat Union, Block Development Officer, Sivagangai.

10.The Sub Registrar, Sub Registrar Office, Kalaiyarkovil, Sivagangai District.

11.The Block Development Officer, Kottampatti Panchayat Union, Madurai District.

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-8664[F] dated 04/03/2021)

+1 CC to Mr.V.MANIKANDAN, Advocate (SR-9401[F] dated 08/03/2021)

W.P. (MD) No.4502 of 2021

04.03.2021

VB (26.03.2021) 4P 14C