



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) Nos.4959, 4962, 4965, 4968 & 4969 of 2021

WEB COPY

R.Sivakumar	... Petitioner in WP(MD) . 4959 of 2021
S. Rengarajan	... Petitioner in WP(MD) . 4962 of 2021
A. Gunasekaran	... Petitioner in WP(MD) . 4965 of 2021
K. Balasubramanian	... Petitioner in WP(MD) . 4968 of 2021
V.Thangamuthu	... Petitioner in WP(MD) . 4969 of 2021

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Chennai - 38.

2.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani - 624 601,
Dindigul District.

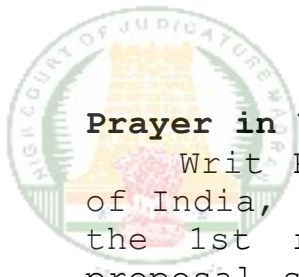
... Respondents in all WPs

Prayer in WP(MD) . 4959/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to pass appropriate orders on the proposal submitted by the 2nd respondent in Na.Ka.No.242/2020/B7, dated 07.1.2021 and to pay the enhanced departmental revised pension of Rs.3,000/- from 29.2.2020 till date along with 10 percentage interest to the petitioner, within the time limit fixed by this Honble Court and pass such further or other orders as this Honble Court.

Prayer in WP(MD) . 4962/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to pass appropriate orders on the proposal submitted by the 2nd respondent in Na.Ka.No.242/2020/B7, dated 07.1.2021 and to pay departmental pension of Rs.2,000/- from 30.11.2018 to 12.7.2020 and to pay the enhanced departmental revised pension of Rs.3,000/- from 13.07.2020 to till date along with 10 percentage interest to the petitioner, within the time limit fixed by this Honble Court.



Prayer in WP(MD) . 4965/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to pass appropriate orders on the proposal submitted by the 2nd respondent in Na.Ka.No.242/2020/B7, dated 07.1.2021 and to pay departmental pension of Rs.2,000/- from 28.2.2018 to 12.7.2020 and to pay the enhanced departmental revised pension of Rs.3,000/- from 13.07.2020 to till date along with 10 percentage interest to the petitioner, within the time limit fixed by this Honble Court.

Prayer in WP(MD) . 4968/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to pass appropriate orders on the proposal submitted by the 2nd respondent in Na.Ka.No.242/2020/B7, dated 07.1.2021 and to pay departmental pension of Rs.2,000/- from 31.1.2018 to 12.7.2020 and to pay the enhanced departmental revised pension of Rs.3,000/- from 13.07.2020 to till date along with 10 percentage interest to the petitioner, within the time limit fixed by this Honble Court.

Prayer in WP(MD) . 4969/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent herein to pass appropriate orders on the proposal submitted by the 2nd respondent in Na.Ka.No.242/2020/B7, dated 07.1.2021 and to pay the enhanced departmental revised pension of Rs.3,000/- from 31.3.2020 to till date along with 10 percentage interest to the petitioner, within the time limit fixed by this Honble Court and pass such further or other orders as this Honble Court deems fit and necessary in the facts and circumstances of the case and thus render justice.

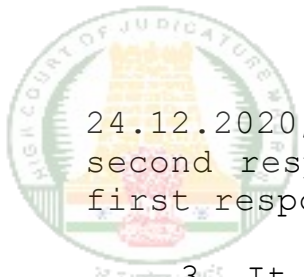
For Petitioner : Mr.S.Manikandan

For Respondents : Mr.K.P.Narayanakumar for R1
Special Government Pleader
Mr.V.R.Shanmuganathan for R2

COMMON ORDER

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

2.Since the petitioners' request to the respondents to pay the departmental pension and enhanced departmental revised pension with arrears along with interest at the rate of 10% per annum, was not considered, these Writ Petitions have been filed. According to



24.12.2020, which are still pending. It is also stated that the second respondent has also sent a proposal in this regard to the first respondent in Na.Ka.No.242/2020/B7, dated 07.01.2021.

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 first respondent herein to consider the petitioners' representations dated 24.12.2020, 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 petitioners 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 first respondent to consider the petitioners' representations, dated 24.12.2020, in light of the proposal sent by the second respondent in Na.Ka.No.242/2020/B7, dated 07.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// 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,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Chennai - 38.

2.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani - 624 601,
Dindigul District.

+1 CC to M/s.SPL GP (SR-10140[F] dated 10/03/2021)

W.P.(MD) Nos.4959, 4962, 4965, 4968 & 4969 of 2021

09.03.2021

NA(CO)

TR(26.04.2021) 4P 4C