BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.03.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.6198 of 2021

S.Arockiasamy ...Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Principal Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Sivagangai District,
Sivagangai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent i.e., the Additional Chief Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dt. 14.06.2020 regarding re-fixation of his pension in the cadre of Tahsildar as per the orders issued in LR.No. Ser.3 (3)/57578/1999 dt. 02.12.2019 of the Commissioner of Revenue Administration, Chennai and arrange to send revised pension proposals to the Accountant General, Chennai, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Viswalingam

For Respondents : Mr.P.Mahendran
Additional 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.This writ petition has been filed for issuance of Writ of Mandamus, directing the 1st respondent i.e., the Additional Chief Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's representation dt. 14.06.2020 regarding re-fixation of his pension in the cadre of Tahsildar as per the orders issued in LR.No. Ser.3(3)/57578/1999 dt. 02.12.2019 of the Commissioner of Revenue Administration, Chennai and arrange to send revised pension proposals to the Accountant General, Chennai, within a specified time frame that may be fixed by this Court.

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 petitioner's representation dated 14.06.2020, 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 first respondent to consider the petitioner's representation dated 14.06.2020, 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-III)

// 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.*

TM

To

1.The Additional Chief Secretary to Government,
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Secretariat,
Chennai - 600 009.

2.The Principal Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Sivagangai District,
Sivagangai.

+1CCSPL GOVERNMENT PLEADER SR.NO.12727 DATE:22/3/21

W.P.(MD) No.6198 of 2021
19.03.2021

GS (23.04.2021) 3P 5C