



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) No.6723 of 2021

B.Kanagavel

...Petitioner

Vs.

1.Madurai Kamaraj University,
represented by its Registrar,
Palkalai Nagar,
Madurai 625 021.

2.The Deputy Director of Local Fund Audit,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai 625 021.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to include the half of the temporary services rendered by the petitioner from 09.02.1983 to 31.10.1989 along with regular service for the purpose of calculating the pension benefits in the light of the syndicate resolution dated 02.06.2012 and the Government Order in G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 and accordingly refix the pension of the petitioner with all consequential benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

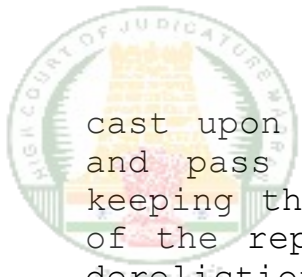
For Respondents : Mr.K.Ragatheeshkumar for
M/S.Issac Chambers

ORDER

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 include the half of temporary services rendered by him, was not considered, the writ petition has been filed. According to the petitioner, he has made a representation in this regard on 25.02.2021, 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 respondents herein to consider the petitioner's representation dated 25.02.2021, 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 respondents to consider the petitioner's representation dated 25.02.2021, 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(AE)

// 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 Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai 625 021.



2.The Deputy Director of Local Fund Audit,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai 625 021.

WEB COPY

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-13497[F] dated
25/03/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-13734[F] dated
25/03/2021)

W.P. (MD) No.6723 of 2021
24.03.2021

SGS (CO)
TR(26.04.2021) 3P 5C