



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2021**

CORAM:

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

W.P. (MD) No.6610 of 2021

M.Prem

...Petitioner

Vs.

- 1.The Additional Chief Secretary,
Revenue and Disaster Management Department,
Government of Tamilnadu,
St.George Fort, Secretariat,
Chennai 600 009.
- 2.The Secretary,
Personal and Administrative Reforms (S) Department,
Government of Tamilnadu,
St.George Fort, Secretariat,
Chennai 600 009.
- 3.The Commissioner of Revenue Administration,
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai 600 005.
- 4.The Accountant General,
Office of the Accountant General,
(Accounts and Entitlements),
Tamilnadu, 361,
Annasalai, Teynampet,
Chennai 600 018.
- 5.The Senior Accounts Officer (Pen.30),
Office of the Principal Accountant General (A&E),
Tamilnadu, 361,
Annasalai, Teynampet,
Chennai 600 018.
- 6.The District Collector,
District Collectorate,
Nagercoil,
Kanyakumari 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to re-calculate the years of service from the date of Joining on 02/11/1983 to 31/05/1995 to the Gross years of Qualifying service and to issue petitioner a corrected Pension Payment Order with the enhanced pension and gratuity and to pay him the arrears thereon, in



accordance with law within the time stipulated by this Court.

For Petitioner : M/s. D.Geetha

For R1 to R3 & R6 : Mr.A.Muthukaruppan
Additional Government Pleader

For R4 & R5 : Mr.P.Gunasekaran

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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 recalculate the years of service from the date of Joining on 02.11.1983 to 31.05.1995, was not considered, the writ petition has been filed. According to the petitioner, he has made a representation in this regard on 20.02.2021, 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 20.02.2021, 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 20.02.2021, 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 (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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.

WEB COPY

To

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Chennai 600 009.
- 2.The Secretary,
Personal and Administrative Reforms (S) Department,
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- 3.The Commissioner of Revenue Administration,
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- 4.The District Collector,
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+1 CC to M/s.SPL GP (SR-13590[F] dated 25/03/2021)

W.P. (MD) No.6610 of 2021

24.03.2021

RK (24.04.2021) 3P 8c

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