



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.6540 of 2021

S.Soundara Rajan

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Revenue and Disaster Management Department,
Government of Tamil Nadu,
St. George Fort, Secretariat, Chennai - 600 009.
- 2.The Secretary,
Personnel and Administrative Reforms (S) Department,
Government of Tamil Nadu,
St.George Fort, Secretariat, Chennai - 600 009.
- 3.The Commissioner of Revenue Administration,
Commissionerate of Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 009.
- 4.The Accountant General,
Office of the Accountant General,
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai, Teynampet, Chennai - 600 018.
- 5.The Senior Accounts Officer (Pen. 30),
Office of the Principal Accountant General (A&E), Tamil Nadu,
361, Anna Salai, 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 27.11.1987 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	: Mrs.D.Geetha
For Respondents 1 to 3&6	: Mrs.V.P.M.Vaishnavi Government Advocate
For Respondents 4 & 5	: Mr.P.Gunasekaran Standing Counsel



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 re-calculate his years of service and grant him the enhanced pension and gratuity with arrears was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 28.01.2021, 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 third respondent herein to consider the petitioner's representation dated 28.01.2021, 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 third respondent to consider the petitioner's representation dated 28.01.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// 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

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+1 CC to M/s.SPL GP (SR-13306[F] dated 24/03/2021)

W.P.[MD]No.6540 of 2021
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KG(CO)

KB(22.04.2021) 3P 8C