



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.7308 of 2021

P.Ramachandran

...Petitioner

Vs.

1.The District collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Taluk Office,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e. the District Collector, Thoothukudi to send pension proposals within a specified time frame. The District Collector Thoothukudi may also be informed that the petitioner is entitled to interest for belated payment of DCRG as per Rule 45(A) of the Tamil Nadu Pension Rules 1978 and he is entitled to interest regarding other retirement benefits as per the dictum of the Honble Supreme Court reported in (2001) 9 SCC 687.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.A.Muthu Karuppan

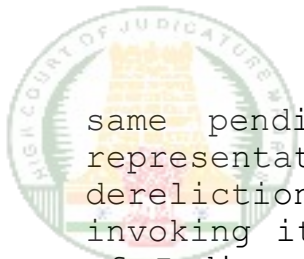
Additional Government Pleader

ORDER

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, seeking for a direction to the first respondent i.e. the District Collector, Thoothukudi to send pension proposals within a specified time frame and The District Collector, Thoothukudi may also be informed that the petitioner is entitled to interest for belated payment of DCRG as per Rule 45(A) of the Tamil Nadu Pension Rules 1978 and he is entitled to interest regarding other retirement benefits as per the dictum of the Honble Supreme Court reported in (2001) 9 SCC 687. According to the petitioner, he has made a representations in this regard on 13.05.2020 & 17.03.2021, 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 first respondent herein to consider the petitioner's representations dated 13.05.2020 & 17.03.2021, 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 first respondent to consider the petitioner's representations dated 13.05.2020 & 17.03.2021, 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 (AD-II)

// 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 District collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Taluk Office,
Thoothukudi.

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-14680[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-14994[F] dated 01/04/2021)

<https://hcservices.ecourts.gov.in/hcservices/>



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+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-16019[F] dated 16/04/2021)

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