



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.19176 of 2020

WEB COPY

K.Kaliyappan

...Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St. George,
Chennai - 600 009.

2.The Accountant General (A& E),
361, Anna Salai, Teynampet,
Chennai - 600 018.

3.The Chief Engineer,
Highways Department,
Chennai - 600 005.

4.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Palani,
Dindigul District.

5.The Superintending Engineer,
Highways and Rural Works Department,
Madurai,
Madurai District.

6.The Assistant Divisional Engineer,
Highways Department,
Oddanchathiram Sub Division,
Oddanchathiram, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to count the break of service in respect of the petitioner for the period from 01.10.1991 to 11.06.1998 and to count half of the service rendered by the petitioner as NMR Mazdoor from 02.01.1984 to

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



1991 as qualifying service for calculation of pension based on the petitioner's representation dated 13.02.2020.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.S.R.Rajagopal
Additional Advocate General assisted by
Mr.P.Mahendran
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Advocate General, for the respondents.

2.Since the petitioner's request to the respondents to count the break of service in respect of the petitioner for the period from 01.10.1991 to 11.06.1998 and to count half of the service rendered by the petitioner as NMR Mazdoor from 02.01.1984 to 1991 as qualifying service for calculation of pension, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 13.02.2020, 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 13.02.2020, 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 third respondent to consider the petitioner's representation dated 13.02.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (AD II)

/ /2021

Sub Assistant Registrar(CS)

TM

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 Secretary to Government, Highways Department,
Fort St. George, Chennai - 600 009.
- 2.The Accountant General (A& E),
361, Anna Salai, Teynampet,
Chennai - 600 018.
- 3.The Chief Engineer,
Highways Department,
Chennai - 600 005.
- 4.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Palani,
Dindigul District.
- 5.The Superintending Engineer,
Highways and Rural Works Department,
Madurai,
Madurai District.



6.The Assistant Divisional Engineer,
Highways Department,
Oddanchathiram Sub Division,
Oddanchathiram, Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-7599[F] dated
26/02/2021)

+1 CC to M/s.SPL GP (SR-7865[F] dated 01/03/2021)

W.P. (MD) No.19176 of 2020
26.02.2021

=

KG (CO)

KK(12.03.2021) 4P 9C