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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24015 of 2018

M.Subramaniam

...Petitioner

-Vs-

1.The Government of Tamilnadu,
Rep. by the Secretary to Government,
Revenue Department, Secretariat,
Chennai - 600 009.

2.The District Collector,
Krishnagiri District.
Krishnagiri.

3.The Tahsildar,
Denkanikkotai Taluk,
Krishnagiri District.

4.The Revenue Divisional Officer,
O/o The Sub Collector, Hosur,
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to take 50% of the whole time employment service rendered in non-provincialised service, consolidated pay, daily wages basis by the petitioner as Pancayat Assistant i.e from 17.09.1991 to 02.06.2000 along with his regular service (VAO) for the pension benefits for the total period of 11 years 5 months and 23 days in the light of G.O.No.41, Finance (Pension) Department dated 09.02.2010 within a period that may be stipulated by this Court.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader



ORDER

The petitioner herein had given a representation to the respondents on 12.07.2018, requesting to grant the pension benefits by taking 50% of the whole time employment service rendered by him as Panchayat Assistant along with his regular service. Since the said representation was not considered, the present writ petition has been filed.

2. 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.

3. Since the representation given by the petitioner dates back to the year 2018, it would be appropriate that the petitioner be granted liberty to give a fresh representation, with a consequential direction to the second respondent herein to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the second respondent herein ventilating his grievances. On receipt of the same, the second respondent shall consider it 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 the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

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- 1.The Secretary,
The Government of Tamilnadu,
Revenue Department, Secretariat,
Chennai - 600 009.
 - 2.The District Collector,
Krishnagiri District.
Krishnagiri.
 - 3.The Tahsildar,
Denkanikkotai Taluk,
Krishnagiri District.
 - 4.The Revenue Divisional Officer,
O/o The Sub Collector, Hosur,
Krishnagiri District.
- +lcc to the Government Pleader SR.5646

W.P.No.24015 of 2018

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srg 10/02/2022