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W.P.No.27261 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27261 of 2017

S. Mary Santhakumari

... Petitioner

Vs.

- 1.The Secretary to Government,
Ministry of Defence,
Government of India, New Delhi.
- 2.The Director General of Ordnance Factory,
Esplanade, East Kolkata.
- 3.The General Manager,
Heavy Vehicles Factory,
Avadi, Chennai – 54.
- 4.The Secretary,
Vijayantha Senior Secondary School,
HVF Estate, Avadi,
Chennai – 54.
- 5.The Secretary,
Vijayantha Senior Secondary School,
HVF Estate, Avadi,
Chennai – 54.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Mandamus, directing respondents to consider the



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representations made by the petitioner dated 08.08.2016 and 12.10.2016 requesting implementation of the Government pension scheme applicable to the Central Government employees within a reasonable time.

For Petitioner : Mr.K. Venkatramani
for Mr.M. Muthappan

For Respondents : No Appearance

ORDER

The petitioner herein had given representations dated 08.08.2016 and 12.10.2016, requesting the respondents to implement the Government pension scheme applicable to the Central Government employees. Since the said representations were not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever 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



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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 representations given by the petitioner dates back to the year 2016, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents 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 respondents herein, ventilating her grievances. On receipt of the same, the respondents 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.



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M.S.RAMESH,J.

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5. With the above direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No

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To

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- 3.The General Manager,
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