



WP(MD)No.15761 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.15761 of 2022

S.C.Pandiaraj

... Petitioner

/vs./

The Divisional Security Commissioner,  
Railway Protection Force,  
Madurai Division,  
Southern Railway,  
Madurai.

... Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to regularize the period from 06.01.2008 to 01.01.2009 as extraordinary leave taken on medical ground and count the period as qualifying service period for the purpose of getting pension and increments in the light of the circular issued in P.B.Circular No. 22/87 dated 09.01.1987 based on the petitioner's representation dated 22.9.2021 and remainder representation dated 13.1.2022 submitted in person within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mrs.L.Victoria Gowri

Assistant Solicitor General of India



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**ORDER**

By consent of both the parties, this writ petition is taken up for final disposal.

2.The petitioner herein had given representations to the respondent on 20.09.2021 and 13.01.2022 seeking for regularization, for the period from 06.01.2008 to 01.01.2009 as extraordinary leave, taken on medical ground and count the period as qualifying service period for the purpose of getting pension and increments in the light of the circular issued in P.B.Circular No. 22/87 dated 09.01.1987. Since the said representation was not considered, the present writ petition has been filed.

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



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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, there shall be a direction to the respondent herein to consider the petitioner's representations dated 20.09.2021 and 13.01.2022 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. It is made clear that this Court has not expressed any of its views 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.With the above direction, the Writ Petition stands disposed of. No costs.

**21.07.2022**

Index : Yes / No  
Internet : Yes / No  
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**M.S.RAMESH, J.**

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**To:**

The Divisional Security Commissioner,  
Railway Protection Force,  
Madurai Division,  
Southern Railway,  
Madurai.

Order made in  
W.P.(MD) No.15761 of 2022

Dated:  
21.07.2022