



WP(MD)No.20478 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20478 of 2022

K.Lukose

... Petitioner

/vs./

1.The State of Tamil Nadu,
rep., by its Secretary,
Social Welfare and Nutrition Meal
Programme Department,
St.George Fort, Chennai 600 009.

2.The State of Tamil Nadu,
rep., by its Secretary,
Finance Department,
St.George Fort, Chennai 600 009.

3.The Director,
Social Welfare and Women Empowerment Department,
Panagal Maligai, Saidapet, Chennai 600 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to provide special pension of Rs.6,750/- (Rupees Six Thousan Seven Hundred and Fifty only) by extending the benefit of G.O.Ms.No.336 Finance (Pay Cell) Department, dated 14.11.2017 (or) 50% of the last pay drawn by the petitioner whichever is



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higher, to him, by considering his representation dated 22.02.2022 within a stipulated time.

For Petitioner : Mr.C.Kishore
For Respondents : Mr.R.Ragaventhiran
Government Advocate

ORDER

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

2.The petitioner herein had given a representation to the respondents on 22.02.2022 seeking for revised pension by extending the benefit of G.O.(Ms).No. 336, Finance (Pay Cell) Department, dated 14.11.2017. 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



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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, there shall be a direction to the respondents herein to consider the petitioner's representation dated 22.02.2022, 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 respondents to consider the same on its own merits.

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

01.09.2022

Index : Yes / No

Internet : Yes / No

Rmk



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M.S.RAMESH, J.

Rmk

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