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W.P.No.30334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30334 of 2023

S.Suguna

...Petitioner

Vs

- 1.The Principal Secretary to the Government,
Social Welfare and Women Empowerment Department,
(Formerly Social Welfare and Nutritious Meal Programme Department)
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director cum Social Welfare Commissioner,
Directorate of Social Welfare and Women Empowerment,
(Formerly Social Welfare and Nutritious Meal Programme Department)
Panagalmaligai, 2nd Floor, Saidapet,
Chennai – 600 015.
- 3.The Director cum Mission Director,
Integrated Child Development Services Scheme,
Tharamani, Chennai – 600 113.
- 4.District Project Officer,
Integrated Child Development Services Scheme,
Cuddalore District.



W.P.No.30334 of 2023

5.Child Development Project Officer,
Cuddalore Rural,
Integrated Child Development Services Scheme,
PeriyaKanganankuppam,
Cuddalore.

6.Accountant General,
Office of the Principal Accountant General,
Anna Salai, Teynampet,
Chennai – 600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant pension to the petitioner under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of services rendered by the petitioner from 01.04.1980 – 24.09.2008 as Child Welfare Organiser (Anganwadi Worker) along with the regular service in the post of Supervisor Grade II from 25.09.2008 – 29.02.2012 as qualifying service and also provide the eligible Death cum Gratuity Benefit to the petitioner.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader



W.P.No.30334 of 2023

WEB COPY

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given representations to the respondents on 12.05.2022 and 16.08.2022, seeking to grant her pension and other retirement benefits as per the old pension scheme. Since the said representations were not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representations of this nature is made to a Statutory Authority, there is a duty cast on them 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 the Constitution of India and direct them to consider the same within a stipulated time.



W.P.No.30334 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 12.05.2022 and 16.08.2022 and pass appropriate orders in accordance with law, within a period of eight (8) weeks 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 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, the Writ Petition stands disposed of.

No costs.

20.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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W.P.No.30334 of 2023

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M.S.RAMESH,J.

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