



W.P.No.4259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4259 of 2023

P.Rajendran

...Petitioner

Vs

1.The Secretary to Government,
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai – 600 009.

2.The Director of Town Panchayat,
M.R.C. Nagar, Chennai – 28.

3.The Executive Officer,
Chengam Selection Grade Town Panchayat,
Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 15.11.2022 for cancellation of enrolment in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and to refund the subscription already recovered from the petitioner salary from



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23.06.2006 towards New Contributory Pension Scheme and to extend the benefit of [Old Pension Scheme] implementing G.O.Ms.No.259, Municipal Administration and Water Supply Department, dated 17.06.2016 in the light of the reported judgment in 2014 (2) CTC Page 777 in Judgement of Division Bench Order dated 30.09.2015 in W.A.(MD).No.1026/2015, based on the order of the Hon'ble Supreme Court in C.C.No.6126/2016 in 08.04.2016 and implementing G.O.Ms.No.364, Municipal Administration and Water Supply Department, dated 14.09.2017 in the light of the orders of the Hon'ble Supreme Court in W.A.No.357/2013, dated 03.04.2013 and pass appropriate orders within a time frame.

For Petitioner : Mr.A.Baskaran

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

With the consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 15.11.2022 seeking for cancellation of his enrollment in the newly introduced Contributory Pension Scheme and to bring him under Old



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Pension Scheme and to refund the subscription already recovered from the petitioner's salary. 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 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 first respondent herein to consider the petitioner's representation dated 18.03.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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



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views with regard to the merits of the claim of the petitioner and that it is open to the respondents to consider the same on its own merits.

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

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Index:Yes/No

Speaking order/Non-speaking order
hvk

To

- 1.The Secretary to Government,
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Department, Fort St. George,
Chennai – 600 009.
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M.S.RAMESH,J.

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