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W.P.No.4495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4495 of 2023
and W.M.P.No.4509 of 2023

K.Shanmuga Sundharam

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu Tourists and Development Corporation,
Tourism Complex, No.2, Valaja Road,
Chennai – 600 002.

2.The Regional Manager,
Tamil Nadu Tourists and Development Corporation,
Madurai Region, Azhagar Koil Road,
Madurai.

3.The Senior Manager,
Tamil Nadu Tourists and Development Corporation,
Hotel Tamil Nadu,
Rameshwaram – 623 526.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise the monthly pension and all other retirement benefits including Gratuity, Employee Provident Fund, Earned Leave Salary etc., of the petitioner by considering the fact that the petitioner had rendered 32 years of service and his Last Drawn Salary as Rs.21,468/- and to pay the



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arrears after adjusting the amount of Rs.4,96,487/- which was paid already, along with an interest at the rate of 12% from the date of 28.02.2013, the date of retirement of the petitioner.

For Petitioner : Mr.J. Kishore
for Mr.R. Sivakumar

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 several representations to the respondents on 20.04.2022, 02.08.2022 and 14.10.2022, seeking for revision of his monthly pension and all retirement benefits. Since the representations were 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



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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.

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 14.10.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 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. Connected miscellaneous petition is closed.

21.02.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH, J.

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To

- 1.The General Manager,
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