



W.P.No.5449 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

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

**W.P.No.5449 of 2023**

R.Duraisamy

...Petitioner

Vs

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

2.The Director,  
Town Panchayat,  
Kuralagam Building, Chennai.

3.The District Collector,  
Office of the District Collector,  
Collectorate Tiruchengode Road,  
Namakkal District – 637 003.

4.The Executive Officer,  
Municipality Office,  
Erumapatti, Sendhamangalam Vattam,  
Namakkal District.

...Respondents



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**PRAAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the letter and representation dated 05.12.2022 and 16.12.2022 and grant the Pension benefits to the petitioner in the event of his retirement, based on the covered judgment in W.P.No.5999 of 2012.

|                |                                                         |
|----------------|---------------------------------------------------------|
| For Petitioner | : Ms.S.Thankira                                         |
| For R1 to R3   | : Mr.E.Sundaram<br>Government Advocate                  |
| For R4         | : Mr.N.R.R.Arun Natarajan<br>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 representations to the respondents on 05.12.2022 and 16.12.2022, seeking for grant of pensionary benefits. Since the said representations were not considered, the present writ petition has been filed.



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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 respondents 2 to 4 herein to consider the petitioner's representations dated 05.12.2022 and 16.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 concerned respondent to consider the same on its own merits.



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costs.

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

**24.02.2023**

Index: Yes/No

Speaking order/Non-speaking order  
hvk

To

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

2.The Director,  
Town Panchayath,  
Kuralagam Building, Chennai.

3.The District Collector,  
Office of the District Collector,  
Collectorate, Tiruchengode Road,  
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4.The Executive Officer,  
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**M.S.RAMESH,J.**

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