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W.P.No.4459 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.4459 of 2023

A.Ponnusamy

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai – 600 015.
- 3.The District Collector,
Salem District,
Salem.
- 4.The Principal Accountant General (A & E)
Tamil Nadu
No.361, Anna Salai,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to extend the benefit of orders passed by Division Bench of this Court in Writ Appeal



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No.431 of 2016 dated 11.04.2016 and W.A.No.2358 of 2021 dated 16.12.2021 by counting 50% services rendered by the petitioner in the post of part time Panchayat Clerk from 01.11.1979 to 14.02.1995, for the purpose of granting pension along with regular service from 15.02.1995 till 31.05.2007, rendered by the petitioner.

For Petitioner : M/s.T. Hemalatha

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

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

2. The petitioner herein had given a representation to the respondent on 30.12.2022, seeking for a direction to count 50% services rendered by him in the post of part time Panchayat Clerk, for the purpose of granting pension along with regular service. 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



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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 herein, to consider the petitioner's representation dated 30.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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 disposed of. No costs.

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 Principal Secretary to Government of Tamil Nadu,
Rural Development and Panchayat Raj Department,
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Chennai – 600 009.

2.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
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