



W.P.No.5274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5274 of 2023

and

W.M.P.No.5306 of 2023

V.Ganapathy

...Petitioner

Vs

1.The Chief Engineer/Distribution/
Chennai Zone [South],
Chennai Electricity Distribution Circle,
Anna Salai, Chennai – 600 002.

2.The Superintending Engineer,
Chennai Electricity Distribution Circle,
K.K.Nagar, Chennai – 600 078.

3.The Executive Engineer/O&M,
Office of the Executive Engineer,
CEDC South, K.K.Nagar,
Chennai – 600 078.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representations dated 20.10.2022, 10.01.2023 and 10.02.2023, thereby direct them to pay subsistence allowance to the petitioner from



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15.06.2009 till date of passing of final order in the remand proceedings based on the order dated 22.09.2022 passed by this Court in W.P.No.25101 of 2014 as per Regulation 9 of the Tami Nadu Electricity Board Employee's Discipline and Appeal Regulation and also direct the respondents to pay provisional pension to the petitioner from the date of attainment of superannuation.

For Petitioner : Mr.S.Manikandan

For Respondents : Mr.David Sundar Singh

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 20.10.2022, 10.01.2023 and 10.02.2023, seeking for a direction to pay subsistence allowance from 15.06.2009 till the date of passing the final order in the remand proceedings. 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 first respondent herein to consider the petitioner's representations dated 20.10.2022, 10.01.2023 and 10.02.2023 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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M.S.RAMESH,J.

hvk

5. With the above direction, the Writ Petition stands ordered. No costs. Consequently, connected miscellaneous petition is closed.

23.02.2023

Index:Yes/No

Speaking order/Non-speaking order

hvk

To

- 1.The Chief Engineer/Distribution/
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