



W.P.No.5514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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M.Mangalagowri

...Petitioner

Vs

- 1.The Additional Chief Secretary,
Home Department, Secretariat,
Chennai - 600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004.
- 3.The Accountant General,
Office of the Principal Accountant General,
Teynampet, Chennai - 600 018.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District.
- 5.The Inspector of Police,
South Police Station,
Erode District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue the ratification order by considering the recommendation of the 2nd respondent vide Letter No.E-2553373/Pension-2/2022 dated 20.06.2022.

For Petitioner : Mr.M.Guruprasad

For R1, R2, R4 & R5 : M/s.Indhumathi,
Government Advocate

ORDER

Since an order directing to consider the petitioner's representation would not cause prejudice to the third respondent, notice to the third respondent herein is dispensed with.

2. The petitioner herein had given a representation to the second respondent on 13.10.2022, seeking for grant of pensionary benefits. 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



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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 13.10.2022, based on the recommendation made by the second respondent to the first respondent vide Letter No.E-2553373/Pension-2/2022 dated 20.06.2022, 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

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Index:Yes/No

Speaking order/Non-speaking order
hvk

To

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Chennai - 600 009.
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M.S.RAMESH,J.

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