



W.P.No.5664 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.5664 of 2023

K.Kanagaraj

...Petitioner

Vs

- 1.The Secretary to Government.
Municipal Administration and Water Supply
Department, Fort St. George,
Chennai - 600 009.
- 2.The Director of Town Panchayat,
M.R.C. Nagar, Chennai - 600 028.
- 3.The Assistant Director of Town Panchayat,
Vellore Region, Vellore District.
- 4.The Executive Officer,
Kilpennathur Town Panchayat,
Thiruvannamalai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider and pass orders on the petitioner's representation dated 2.2.2023 for cancellation of enrollment in the newly introduced Contribution



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Pension Scheme and to bring the petitioner under Old Pension Scheme and to refund the subscription already recovered from the petitioner salary from 01.01.2012 towards New Contributory Pension Scheme and to extend the benefit of (Old Pension Scheme) implementing G.O.Ms.No.259 Municipal Administration and Water Supply Department dated 17.06.2016, in the light of the reported Judgment in 2014 (2) CTC Page 777 in Judgment of Division Bench Order dated 30.09.2015 in W.A.(MD) No.1026/2015, based on the orders of the Hon'ble Supreme Court in C.C.No.6126 of 2016 in 08.04.2016 and implementing G.O.Ms.No.364 Municipal Administration and Water Supply Department dated 14.09.02017, in the light of the orders of this Court in W.A.No.357 of 2013 dated 03.04.2013.

For Petitioner	: Mr.A.Baskaran
For R1 to R3	: M/s.P.Vijaya Devi, Government Advocate
For R4	: Mr.E.Sundaram, Government Advocate

ORDER

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



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2. The petitioner herein had given a representation to the first respondent on 02.02.2023, seeking to bring him under the Old Pension Scheme and to refund the subscription already recovered from his salary from 01.01.2012 towards New Contributory Pension Scheme and to extend the benefit of Old Pension Scheme. 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 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



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02.02.2023 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.

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

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Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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