



W.P.No.6276 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.6276 of 2023
and W.M.P.No.6294 of 2023

- 1.M. Vijayakumar
- 2.A. Natarajan
- 3.K. Santhakumar
- 4.P. Masilamani
- 5.N. Gunasekaran
- 6.P. Ganesh
- 7.A. Murugesan
- 8.K. Velliangili
- 9.R. Periyasamy
- 10.T. Athavan
- 11.J. Gunasekaran
- 12.N. Ramesh

... Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Higher Education Department,
Secretariat,
Chennai – 600 009.
- 2.The Director of Technical Education,



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Chennai – 600 025.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioners for regularization from date marker post sanctioned by the 1st respondent i.e. 04.12.1997 by way of adhoc rule framed by the 1st respondent same was done by similarly placed persons (281 markers) so as to able to get old pension under rule 11(4) (d) of Tamil Nadu Pension Rules by considering the petitioners' representation dated 05.08.2022 to the 1st respondent with all consequential benefits within a specified time limit that may be prescribed by this Court.

For Petitioners : Mr.S. Mani

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

Mr.Stalin Abhimanyu, learned Additional Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioners herein have given representation on 05.08.2022 to the respondents, seeking for regularization so as to get old pension. Since the said representation was not considered, the present Writ



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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 the Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observation, there shall be a direction to the first respondent herein, to consider the petitioners' representation dated 05.08.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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

M.S.RAMESH, J.



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petitioners 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. Connected miscellaneous petition is closed.

01.03.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

1.The Secretary to Government of Tamil Nadu,
Higher Education Department,
Secretariat,
Chennai – 600 009.

2.The Director of Technical Education,
Chennai – 600 025.

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