



WEB COPY



W.P.No.6357 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.6357 of 2023

N. Mani

... Petitioner

Vs.

1.The Directorate of Town Panchayat,
75, Santhome High Road, Urban Administrative Building,
MRC Nagar, Raja Annamalai Puram,
Chennai, Tamil Nadu – 600 028.

2.The Secretary to Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to reckon the petitioner's entry into service as 01.09.1984 and grant retrospective promotion and pay fixation on par with his junior Mr.Benjamin Gunasingh and consequently revise his pension and other terminal benefits and grant arrears of pension in the light of the representations dated 29.03.2021 and again on 07.01.2022.

For Petitioner : Mr.V. Vijay Shankar



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For Respondents : M/s.Indumathi,
Additional Government Pleader

ORDER

M/s.Indumathi, 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 petitioner herein had given representations on 29.03.2021 and 07.01.2022 to the respondents, seeking to reckon his date of entry into service and to grant retrospective promotion and pay fixation on par with his junior. Since the said representations were 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



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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 respondents herein, to consider the petitioner's representation dated 29.03.2021 and 07.01.2022, 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 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.

01.03.2023

Speaking/Non-speaking Order
Index: Yes/No

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M.S.RAMESH, J.

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To

- 1.The Directorate of Town Panchayat,
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