



WEB COPY



W.P.No.14464 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.14464 of 2023

N.Thirugnana Sambandam

... Petitioner

Vs.

1.Union of India represented by the
Chairman and Managing Director
Indian Bank, Corporate Office,
254/260, Avvai Shanmugam Salai,
Royapettah,
Chennai-600 014.

2. The General Manager,
HRM, Welfare & Pension Grievance
Indian Bank,
254/260, Avvai Shanmugam Salai,
Royapettah,
Chennai 600 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent herein namely the Union of India represented by the Chairman and Managing Director, Indian Bank, Corporate Office, 254/260, Avvai Shanmugam Salai,



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Royapettah, Chennai-600 014, to re-fix the basic pension paid to the petitioner at Rs.11,220/- instead of Rs.8,032/- which is being paid presently from 2010 onwards together with arrears from 2010 onwards with DA component thereon along with interest for the belated payment of arrears @ 24% per annum from due date to date of payment.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mrs.Rita Chandrasekaran

ORDER

The petitioner herein had given representation dated 06.12.2022 and sent reminders on 18.01.2023 and 28.02.2023 to the respondents seeking to re-fix the basic pension paid to the petitioner at Rs.11,220/- instead of Rs.8,032/-, which is being paid presently from 2010 onwards together with arrears from 2010 onwards with DA component thereon along with interest for the belated payment of arrears. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to



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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.

3. Since no acknowledgement has been produced before this Court for the representation given by the petitioner, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it 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 the representation. It is



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made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of. No costs.

09.11.2023

Speaking/Non-speaking
Index:Yes/No
sr



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To

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HRM, Welfare & Pension Grievance
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M.S.RAMESH,J.

SR

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