



WEB COPY



W.P.No.23138 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.23138 of 2018
and W.M.P.No.27033 of 2018

Rama Manikandan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Energy,
Secretariat, Chennai.

2.The Chairman,
Tamil Nadu Electricity Board,
10th Floor, NPKRR Maaligai,
144, Link Road, Anna Salai,
Chennai – 600 002.

3.Superintendent Engineer,
Chennai Electricity Distribution Circle/North,
Chennai – 600 002.

4.Ramaparameshwari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to release all the pensionary benefits available to the petitioner for the death of his father Mr.Ramamoorthy.



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For Petitioner : Mr.M. Muruganantham
For Respondents : Mr.K.H. Ravi Kumar,
Government Advocate [R1]
Mr.David Sundar Singh [R2 & R3]

ORDER

The petitioner herein had given representation dated 22.08.2013. 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 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 the representation given by the petitioner dates back to the year 2013, it would be appropriate that the petitioner be granted liberty to



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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 third respondent herein, ventilating his grievances. On receipt of the same, the third respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of the representation. It is 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. Connected miscellaneous petition is closed.

12.01.2023

Speaking/Non-speaking Order
Index:Yes/No
Neutral Citation:Yes/No

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M.S.RAMESH,J.

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To

- 1.The Secretary to State of Tamil Nadu,
Department of Energy,
Secretariat, Chennai.
- 2.The Chairman,
Tamil Nadu Electricity Board,
10th Floor, NPKRR Maaligai,
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