



W.P.No.17086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17086 of 2023

A.Kumar

... Petitioner

Vs

1. Government of Tamil Nadu,
rep. by the Principal Secretary to Government,
Public Works (C2) Department,
Fort St. George,
Chennai 600 009.
2. The Chief Engineer (General),
Public Works Department,
Ezhiligam, Chepauk,
Chennai 600 005.
3. The Superintending Engineer,
Machinery Division No.1,
Public Works Department,
Chepauk, Chennai 600 005.
4. The Superintending Engineer,
Public Works Department,
Thirunagar,
Madurai 625 006.



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5.The Executive Engineer,
Public Works Department,
Machinery Division II,
Trichy 17.

6.The Accountant General (A&E),
DMS Complex, Teynampet,
Chennai 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein namely the Government of Tamil Nadu represented by the Secretary to Government, Public Works (C2) Department, Fort St. George, Chennai 600 009 to issue consequential orders to pay the attendant, service and monetary benefits to the petitioner for the period from 31.10.1990 to 30.04.2002 in the promoted post of HEMMO GR.III and to revise the pensionary benefits to the petitioner suitably with effect from 01.05.2022 with a further direction to pay the arrears pursuant to the said revision within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate for R1 to 5

Ms.Hema Muralikrishnan for R6



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ORDER

Heard Mr.K.S.Govinda Prasad, learned counsel for the petitioner, Mr.P.Sanjay Gandhi, learned Government Advocate for respondents 1 to 5 and Ms.Hema Muralikrishnan, learned counsel for the sixth respondent.

2.The petitioner herein had given a representation to the respondent on 05.01.2023 for pensionary retirement benefits. 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 him 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.



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4.In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 05.01.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.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 respondents to consider the same on its own merits.

6.With the above direction, the Writ Petition stands disposed of.

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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