



WEB COPY



W.P.No.17080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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- 1.T.Tamizharasan
- 2.R.Saravanan
- 3.P.Viswanathan
- 4.P.C.Mathiyalagan
- 5.S.Murugesan
- 6.K.Allimuthu
- 7.S.Lakshumipathi
- 8.M.Sivaanathan
- 9.M.Muralidharan
- 10.T.Amulraj
- 11.C.K.Sankaran
- 12.M.Kannan
- 13.V.Ramajayan
- 14.R.Muniasamy
- 15.R.Varatharaju
- 16.P.Saravanan

... Petitioners

Vs

- 1.The Principal Secretary to Government,
Electricity Department,
Secretariat, Chennai – 600 009.
- 2.The Chairman cum Managing Director,
Tamil Nadu Electricity Generation and Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.



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3.The Chief Engineer Personnel,
Tamil Nadu Electricity Generation and Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioners with regard to the petitioners bring under Old Pension Scheme and allow them to contribute towards the GPF instead of the new CPS Scheme their services rendered as from 1994 and pass orders within a limited time frame in the light of their representation dated 31.03.2023.

For Petitioners : Mr.M.Govindan

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader
for R1

ORDER

Heard Mr.M.Govindan, learned counsel for the petitioners and Mr.P.Gurunathan, learned Additional Government Pleader for the first respondent.

2.The petitioners herein had given a representation to the respondents on 31.03.2023 for contribution towards GPF Scheme. Since the said representation was not considered, the present writ petition has



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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 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.

4.In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners' representation dated 31.03.2023, 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.



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M.S.RAMESH,J.

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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 petitioners 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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To

The Principal Secretary to Government,
Electricity Department,
Secretariat,
Chennai – 600 009.

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