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W.P.No.19377 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19377 of 2022

Mr.P.Balasubramaniam

...Petitioner

Vs

1. The Union of India,
Represented by its Secretary – Food,
Ministry of Consumer Affairs,
Food and Public Distribution,
Department of Food and Public Distribution,
Krishi Bhawan, New Delhi – 110 001.
2. The Director, Food Corporation of India,
Ministry of Consumer Affairs, Food and Public Distribution,
Department of Food and Public Distribution,
Krishi Bhawan, New Delhi – 110 001.
3. The Under Secretary to Government of India,
FC3, Section, Ministry of Consumer Affairs,
Food and Public Distribution,
Krishi Bhawan, New Delhi – 110 001.
4. The Regional Director (Food),
Ministry of Consumer Affairs, Food and Public Distribution,
Department of Food and Public Distribution,
Office of the Regional Director (Food), Southern Region,
No.3, Haddows Road, Chennai 600 006.
5. The Chief Controller of Accounts,
Ministry of Consumer Affairs, Food and Public Distribution,



W.P.No.19377 of 2022

Department of Food and Public Distribution,
Principal Accounts office, 4th Floor,
Jeevan Deep Buildings, New Delhi

6. Pay and Accounts Officer,
Ministry of Consumer Affairs, Food and Public Distribution,
Department of Food and Public Distribution,
Shashtri Bhavan, Chennai – 600 006.
7. The Secretary Department of Pensioners Welfare,
Ministry of Personal and Public Grievance,
New Delhi – 110 001.
8. The Assistant General Manager,
Wage Revision Cell,
Food Corporation of India
Head Quarters, New Delhi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to give the pension revision benefits as per the 7th Central Pay Commission with effect from 01.01.2016 based upon the recommendation letter dated 27.05.2022 issued by the 8th respondent within a time limit fixed by this Court.

For Petitioner : Mr.Arun Anbumani
for Mr.K.Manikandan

For Respondents : Mr.A.R.Sakthivel
Senior Panel Counsel for R1, 3 to 7
Mr.C.K.Chandrasekar
for R2

ORDER

Heard Mr.Arun Anbumani, learned counsel for the petitioner and



W.P.No.19377 of 2022

Mr.A.R.Sakthivel, learned Senior Panel Counsel for respondents 1, 3 to 7
and Mr.C.K.Chandrasekar, learned counsel for 2nd respondent.

2. The petitioner herein had given representations to the respondents on 24.06.2022, 27.06.2022 and 01.07.2022, seeking revision of pension benefits on IDA scale of pay as per the 7th Central Pay Commission w.e.f 01.01.2016, based on the recommendation letter issued by the 8th respondent dated 27.05.2022. 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 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 the 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



W.P.No.19377 of 2022

the respondents herein to consider the petitioner's representations dated 24.06.2022, 27.06.2022 and 01.07.2022, on its own merits and pass appropriate orders in accordance with law, in the light of the recommendation of the 8th respondent dated 27.05.2022 within a period of eight 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 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, the Writ Petition stands disposed of. No costs.

16.11.2023

Index:Yes/No

Speaking order/Non-speaking order

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W.P.No.19377 of 2022

To

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W.P.No.19377 of 2022

M.S.RAMESH,J.

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W.P.No.19377 of 2022

16.11.2023