



WEB COPY



W.P.No.24085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.24085 of 2022

1.S.Sundaribai
2.C.N.Lakshmi
3.A.Sahayamary
4.G.Subramanian
5.N.Nicholas
6.R.K.Jayalakshmi
7.T.Lalitha
8.Mrs.M.Marimuthu

...Petitioners

-Vs-

The Director,
Institute of Mental Health,
Kilpauk, Chennai-600 010

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to implement the G.O.No.408 dated 25.08.2009 for the benefit of taking into account of half of the service period of temporary employment of the petitioners for the calculation of the pension from the date of retirement of the petitioners.

For Petitioners : Mr.P.Narayanamoorthy

For Respondent : Mr.V.Manoharan
AGP



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ORDER

Heard Mr.P.Narayanamoorthy, learned counsel for the petitioner and Mr.V.Manoharan, learned Additional Government Pleader for the respondent.

2. The petitioners have given representation individually on 07.12.2017 to implement the G.O.No.408 dated 25.08.2009 for the benefit of taking into account of half of the service period of temporary employment of the petitioners for the calculation of the pension from the date of their retirement. 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 the respondent 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.

4. In the light of the above observations, there shall be a direction to the respondent to consider the representation of the petitioners dated 07.12.2017



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seeking to implement the G.O.No.408 dated 25.08.2009 for the benefit of taking into account of half of the service period of temporary employment of the petitioners for the calculation of the pension from the date of retirement of the petitioners on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 of the petitioner and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

21.11.2023

Index: Yes/No
Internet: Yes/No
sr

To

The Director,
Institute of Mental Health,
Kilpauk, Chennai-600 010



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M.S.RAMESH.J.

SR

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