



W.P.No.22839 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.22839 of 2023

R. Devaki

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 2.

2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai – 2.

3.The Superintending Engineer,
Thiruvannamalai Electricity Distribution Circle,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to continue the service of the petitioner's husband, namely, Thiru.S. Ravi in the Old Pension Scheme, bearing GPF Ac.No.45681, by treating his initial entry into service, on 16.12.1999 as a permanent full-time employment and thereby disburse terminal and other



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pensionary benefits to the petitioner due to death of her husband on 22.10.2018, in the light of the directions issued by the Division Bench of this Court in W.A.No.2385 of 1999, dated 30.11.1999 and clarified on 21.12.2009, by considering the representation of the petitioner dated 30.04.2023.

For Petitioner : Mr.S.N. Ravichandran

For Respondents : Mr.K. Rajkumar,
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

2. The petitioner herein has given a representation to the respondents on 30.04.2023, requesting to appoint her husband Mr.S.Ravi as Helper w.e.f. 16.12.1999 with all benefits and to include his name in the old pension scheme with GPF. Since the said representation has not been considered till date, the present Writ Petition has 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 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.

4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 30.04.2023, on their own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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

No costs.

16.10.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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- 2.The Chief Engineer (Personnel),
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Tamil Nadu Generation and Distribution Corporation Ltd.,
Thiruvannamalai.

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