



W.P.No.23424 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23424 of 2022

R.Kinikkannan

...Petitioners

Vs.

1.The Principal Secretary to Government,
Public Works Department,
Secretariat,
Chennai-600 009.

2.The District Collector,
Office of the District Collector,
Thanjavur.

3.The Engineer in Chief, W.R.O. &
Chief Engineer (General) PWD,
Chepauk, Chennai-600 005.

4.The Joint Director,
Directorate of Pension,
Perasiriyar Anbazhagan Maaligai,
571, Anna Salai, Nandanam,
Chennai-600 035.

5.The Chief Engineer, PWD / WRD,
Trichy Region,
Trichy District.

6.The Superintending Engineer,
Lower Cauvery Basin Circle,
Thanjavur District.

7.The Executive Engineer, PWD/WRD,
Vennar Basin Division,
Thanjavur District – 613 001.

...Respondents



W.P.No.23424 of 2022

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 16.11.2021, now pending in the same to the seventh respondent.

For Petitioner : Mr. S.Satheeshkumar
For Respondents : Mr.P.Gurunathan, AGP

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the second respondent on 16.11.2021 which is now pending before the seventh respondent herein, seeking for fixation of pension from the date of his initial appointment. 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 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



W.P.No.23424 of 2022

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 16.11.2021 on its own merits and pass appropriate orders in accordance with law, within a period of four 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 petitioners 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. There shall be no order as to costs.

21.06.2023

Index:Yes/No
Order: Speaking/Non-speaking
Neutral Citation : Yes/No

DP



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W.P.No.23424 of 2022

M.S.RAMESH,J.

DP

To

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