



WEB COPY



W.P.No.27644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

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C.Gurusamy

... Petitioner

VS

1. The Government of Tamil Nadu represented
by the Principal Secretary to the Government,
Highway and Minor Ports Department,
Fort St.George, Chennai-600 009.
 2. The Director General (Highways),
Highways Department,
Chennai-600 025.
 3. The Superintending Engineer (Highways),
Tiruppur, Tiruppur District
 4. The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Dharapuram,
Tiruppur District.
- Respondents

....

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to treat the period of break in service from 07.09.2022 to 12.02.2006 as qualifying service for the purpose of



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pension and grant all consequential benefits to the petitioner.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.M.Bindran
AGP

ORDER

Heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for the respondents.

2. The petitioner has submitted a representation on 16.05.2022 to the respondents, seeking for treating the period of break in service from 07.09.2022 to 12.02.2006 as qualifying service for the purpose of pension and grant all consequential benefits to the petitioner. Since the representation has not been 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



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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 to consider the representation of the petitioner dated 16.05.2022 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. 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.

20.12.2023

Index:Yes/No
Internet:Yes/No
sr



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M.S.RAMESH,J.,

sr

1. The Principal Secretary to the Government,
Government of Tamil Nadu.
Highway and Minor Ports Department,
Fort St.George, Chennai-600 009.
2. The Director General (Highways),
Highways Department,
Chennai-600 025.
3. The Superintending Engineer (Highways),
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