



WEB COPY



W.P.No.30740 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30740 of 2023

Murugesan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Ariyalur District,
Ariyalur.

3.The Revenue Tahsildar,
Taluk Officer,
Udayarpalayam Taluk,
Jayankondam,
Ariyalur 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 re-fix pension by reckoning the entire period of service i.e. from 31.03.1978 to 31.07.2012, as per Chapter II of Tamil Nadu Village Assistants Pension Rules 1996 and Rule 11 of the Tamil Nadu Pension Rules 1978 and further direct the respondents to sanction all pensionary benefits to the petitioner.



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For Petitioner : Mr.G. Pugazhenth
For Respondents : Mr.M. Bindran,
Special Government Pleader [R1 & 2]

ORDER

Heard the learned counsel for the petitioner, as well as the learned Special Government Pleader, appearing for the respondents 1 and 2.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the third respondent herein and hence, notice to the third respondent is dispensed with.

3. The petitioner herein has given a representation to the first respondent on 06.07.2023, requesting to refix his pension by reckoning the entire period of service i.e. from 31.03.1978 to 31.07.2012 and to include the said period in the total period of service and to pay pension and arrears of pension. Since the said representation has not been considered till date, the present Writ Petition has been filed.

4. 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 them to



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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.

5. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 06.07.2023, on its 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.

6. With the above direction, the Writ Petition stands disposed of. No costs.

31.10.2023

Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

- 1.The Principal Secretary to State of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Ariyalur District,
Ariyalur.
- 3.The Revenue Tahsildar,
Taluk Officer,
Udayarpalayam Taluk,
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Ariyalur District.

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