



W.P.No.30491 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.30491 of 2023**

Dr.R.Rangarajan

...Petitioner

Vs

1.The Principal Secretary to Government,  
Health and Family Welfare Department,  
Chennai – 600 009.

2.The Director of Medical Education,  
Kilpauk, Chennai – 600 010.

3.The Dean,  
Government Mohan Kumaramangalam Medical College,  
Steel Plant Road,  
Salem – 30.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to consider the representation of the petitioner dated 17.08.2023 and pass appropriate orders placing the petitioner under the old pension scheme by taking into account of the date of vacancy, within a time frame fixed by



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this Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.P.Ganesan,  
Government Advocate

### **ORDER**

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given a representation to the respondents on 17.08.2023, requesting to place him under the old pension scheme. Since the said representation was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast on them 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



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invoking its extraordinary powers under Article 226 of the 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 first respondent herein to consider the petitioner's representation dated 17.08.2023 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 made by the petitioner 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.

No costs.

**20.10.2023**

Index:Yes/No  
Speaking order/Non-speaking order  
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**M.S.RAMESH,J.**

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To

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