



WEB COPY



W.P.No.31187 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31187 of 2023

1. B.Beulah Hepsiba
2. T.Periasamy
3. A.Sadasivam
4. B.P.Subramanian
5. R.Muthusamy
6. R.Velmurugan
7. P.Mythili
8. M.Pachamuthu

...Petitioners

-Vs-

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai 600 107.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to calculate the petitioners pension by taking note of 50% services rendered as temporary employee till the petitioners regularization and disburse the same together with arrears by taking note of order passed in W.P.No.11746 of 2014, dated 03.11.2017



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confirmed by the Hon'ble Division Bench in W.A.No.1857 of 2022, dated 16.08.2022.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.P.Ganesan
Govt. Advocate

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioners and Mr.P.Ganesan, learned Government Advocate for the respondents. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioners herein have given a representation to the respondent on 25.09.2023 seeking for a direction to calculate the petitioners pension by taking note of 50% services rendered as temporary employees till the petitioners regularization and disburse the same together with arrears by taking note of order passed in W.P.No.11746 of 2014, dated 03.11.2017, confirmed by the Hon'ble Division Bench in W.A.No.1857 of 2022, dated 16.08.2022. 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 respondent to consider



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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 to consider the representation of the petitioners dated 25.09.2023 on its own merits and pass appropriate orders in accordance with law, within a period of three months 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.

Index: Yes/No
Internet: Yes/No
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M.S.RAMESH,J.

SR

To

1. The Secretary to Government,
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