



WEB COPY



W.P.No.31822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31822 of 2023

A.Sithuraj

...Petitioner

Vs.

1.The Commissioner of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Assistant Director (Local Fund Audit),
Salem.

3.The Commissioner,
Edanganasalai Municipality,
Salem District – 637 502.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction pension, gratuity and all other admissible terminal benefits to the petitioner by counting his service from 1994 upto 30.06.2021 by bringing him under the ambit of the old pension rules and pay all such amounts to the petitioner.



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For Petitioner : Mr.V.Vijayashankar

For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader

ORDER

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

2. The prayer sought for in this Writ Petition is for a direction to the respondents to sanction pension, gratuity and all other admissible terminal benefits to the petitioner by counting his service from 1994 upto 30.06.2021 by bringing him under the ambit of the old pension rules. In this regard, the petitioner had given a representation to the respondents on 10.05.2023 Since the said representation was not considered, the petitioner has preferred the present Writ Petition.

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 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,



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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 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 1st respondent herein to consider the petitioner's representation dated 10.05.2023, 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 concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

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Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

hvk

To

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