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W.P.No.32752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32752 of 2023

V.Sekar

...Petitioner

Vs

1. The Chairman
Tamil Nadu Electricity Board
(TANGEDCO)
Chennai – 600 002
2. The Secretary
Tamil Nadu Electricity Board
(TANGEDCO)
Chennai – 600 002
3. The Chief Internal Audit Officer
Tamil Nadu Electricity Board
(TANGEDCO)
Chennai – 600 002
4. The Deputy Chief Internal Audit Officer
Tamil Nadu Electricity Board
(TANGEDCO)
Chennai – 600 002
5. The Assistant Audit Officer
Tamil Nadu Electricity Board
(TANGEDCO)



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6. The Chief Engineers
Tamil Nadu Electricity Board
(TANGEDCO)
South Region
Kancheepuram – 631 502

7. Senior Administrative Officer
Tamil Nadu Electricity Board
(TANGEDCO)
South Region
Kancheepuram – 631 502

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct Respondents 1 to 7 to consider the petitioner's representation dated 14.10.2023 and to refund the excess pay and allowances which is recovered from the petitioner on 30.09.2022.

For Petitioner : Mr.R.Thiyagu

For Respondents : Mr.K.Rajkumar
Standing Counsel

ORDER

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



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2. Heard Mr.R.Thiyagu, learned counsel for the petitioner and Mr.K.Rajkumar, learned Standing Counsel for Respondents.

3. The petitioner herein had given representation to the respondents on 14.10.2023 to refund the excess pay and allowances which is recovered from the petitioner on 30.09.2022. Since the said representation was not considered by the respondents, 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 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 the Constitution of the India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representations dated 14.10.2023, 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 made by 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.

21.11.2023

Index:Yes/No

Speaking order/Non-speaking order
gpa

To

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Chennai – 600 002



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M.S.RAMESH,J.

gpa

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