



W.P.No.33779 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33779 of 2023

K.Thangarasu

...Petitioner

Vs

1. The Principal Secretary to Government
Revenue Department
Secretariat
Chennai – 9

2. The Additional Chief Secretary
Commissioner of Revenue Administration
Chepauk
Chennai – 5

3. The District Collector
Namakkal District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second and third respondents to dispose of the representation of the petitioner dated 22.10.2022.

For Petitioner : Mr.Vijayakumar
Senior counsel
for Mr.K.N.Pandian



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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 at the admission stage itself.

2. Heard Mr.Vijayakumar, learned Senior counsel appearing on behalf of counsel on record for the petitioner and Mrs. V.Yamuna Devi, learned Special Government Pleader appearing for Respondents.

3. The petitioner herein was issued with two charge memos dated 19.05.2022 and 24.05.2022 under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules by the third respondent just two days prior to his date of retirement. The petitioner submits that though the charge memos were challenged before this Court in W.P.No.32188 of 2023 and this Court had granted stay of the proceedings pending disposal of the writ petition, provisional pension was not granted to the petitioner. Hence, the petitioner approached the respondents and sought



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for provisional pension and has also submitted two representations to Respondents 2 and 3 on 22.08.2022 and 12.09.2022 respectively. Since the said representations were not considered by the respondents 2 and 3, 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.

5. In the light of the above observations, there shall be a direction to Respondents 2 and 3 herein to consider the petitioner's representations dated 22.08.2022 and 12.09.2022, on their own merits and pass appropriate orders in accordance with law within a period of four 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



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respondent to consider the same on its own merits.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

gpa

To

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M.S.RAMESH,J.

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