



WEB COPY



W.P.No.33453 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33453 of 2023

1.V.Leo Raj

2.M.Prakasam

3.C.Govindasamy

...Petitioners

Vs.

1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner of Municipal
Administration and Water Supply Department,
Chepauk, Chennai – 600 005.

3.The Commissioner,
Vellore Corporation,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioners' representation dated 22.03.2022 and 06.03.2023, thereby directing the respondents to bring the petitioners under the old



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pension scheme and to refund subscription already made by the petitioners towards guaranteed pension scheme and contributory pension scheme.

For Petitioners : Mr.B.Sundarapandiyan

For R1 & R2 : Mr.M.Bindran,
Additional Government Pleader

ORDER

Heard Mr.B.Sundarapandiyan, learned counsel for the petitioners and Mr.M.Bindran, learned Additional Government Pleader, for the respondents 1 and 2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the third respondent and hence, notice to the third respondent is hereby dispensed with.

2. The prayer sought for in this Writ Petition is for a direction to the respondents to consider the petitioners' representations dated 22.03.2022 and 06.03.2023, thereby directing the respondents to bring the petitioners under the old pension scheme and to refund the subscription already made towards guaranteed pension scheme and contributory pension scheme.



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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, 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 petitioners' representations dated 22.03.2022 and 06.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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 of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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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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To

- 1.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner of Municipal
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