



WEB COPY



W.P.No.34627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34627 of 2023

S.Balaji

...Petitioner

Vs

1. The Commissioner of Police
Veppery
Chennai – 600 007

2. The Accountant General
Accounts & Audit General
Tamil Nadu
Annasalai, Teynampet
Chennai – 600 018

3. The District Treasurer
Chengalpet Treasury
Chengalpet District

4. The Assistant Treasurer
Alandur Treasury
Muthamizh Nagar
Pammal, Chennai – 600 075

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider



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the petitioner's representation dated 17.11.2023 and thereby direct the respondents to refix the pension calculation of the petitioner based on the basic salary of the petitioner for a sum of Rs.62,700/- instead of 60,900/-.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.VPR.Elamparathi
Additional 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.B.Gopalakrishnan, learned counsel for the petitioner and Mr.VPR.Elamparathi, learned Additional Government Pleader, who accepts notice for the respondents.

3. The petitioner herein had given a representation to the second respondent on 17.11.2023 to refix the pension of the petitioner by taking the basic salary of the petitioner as Rs.62,700/- instead of 60,900/-. Since the said representation was not considered by the second respondent, the present writ petition has been filed.



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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 the second respondent herein to consider the petitioner's representation dated 17.11.2023, 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.



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

No costs. Consequently, the connected miscellaneous petition is closed.

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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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