



WEB COPY



W.P.No.34993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34993 of 2023

S.Nandhakumar

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and
Distribution Corporation Limited,
No.800, Anna Salai, Chennai – 600 002.

2.The Chief Engineer Personal,
No.144, Anna Salai, NPKKR Maligai,
Chennai – 600 004.

3.The Chief Engineer,
Mettur Thermal Power Station,
Tamil Nadu Electricity Board,
Mettur Dam – 636 406.

4.The Superintendent,
Mettur Thermal Power Station,
Tamil Nadu Electricity Board,
Mettur Dam – 636 406.
Salem 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 petitioner's representation dated 16.09.2023 and thereby direct the



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respondents to grant the pension to the petitioner under the Old Pension Scheme.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Ms.S.B.Keerthana for
M/s.Agam Legal

ORDER

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

2. The petitioner herein has given a representation to the second respondent on 16.09.2023, seeking to take his earlier service from 01.07.1980 as a contract labour and 08.08.1998, the eligibility list prepared by the respondents as his service period and grant the pension under the Old Pension Scheme. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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



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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 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 respondents herein, to consider the petitioner's representation dated 16.09.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 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.

15.12.2023

Index: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

Sni

To

- 1.The Chairman,
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