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W.P.No.34945 of 2023 and batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.34945, 34947, 34949, 34950, 35034, 35028, 34953, 35026,
35030 and 35032 of 2023

W.P.No.34945 of 2023:-

I.Kumarasamy

... Petitioner

Vs.

1.The Secretary to the Government,
Revenue and Disaster Management Department,
St.George Fort,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Ezhilagam,
Chepauk,
Chennai – 600 005.

3.The District Collector,
Villupuram District,
Villupuram.

4.The Tahsildar,



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Ulunthupet Taluk,
Kallakurichi 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 count 50 percent of the service rendered by the petitioner in the permanent vacancy as Village Assistant prior to 1.06.1995 along with regular service rendered by the petitioner from 1.06.1995 as qualifying service for the purpose of calculation of pension and other retirement benefits and to revise and refix the pension and other retirement benefits of the petitioner within a reasonable time.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader

COMMON ORDER

With the consent of both the parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

2. The petitioners in W.P.Nos.34945, 34947, 34949, 34950, 35034, 34953, 35026, 35030 and 35032 of 2023 have given representations to the 1st respondent on 14.02.2022 and the petitioner in W.P.No.35028 of 2023 has given a representation to the 1st respondent on 22.02.2022, seeking count 50 percent of the service rendered by the petitioners in the



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permanent vacancy as Village Assistant prior to 1.06.1995 along with regular service rendered by the petitioners from 1.06.1995 as qualifying service for the purpose of calculation of pension and other retirement benefits and to revise and refix the pension and other retirement benefits. Since the said representation has not been considered till date, the present Writ Petitions have 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 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 first respondent herein, to consider the petitioners' representation dated 14.02.2022 and 22.02.2022 respectively, on its own merits and pass



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appropriate orders in accordance with law, within a period of eight (08) 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.

5. With the above direction, the Writ Petitions stand disposed of.

No costs.

18.12.2023

Index:Yes/No

Speaking order/Non-speaking order

gd



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M.S.RAMESH,J.

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