



WEB COPY



W.P.No.35237 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.35237 of 2023

P.Elumalai

...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
Thiruvannamalai District
Thiruvannamalai

4. The Tahsildar
PorurTaluk
Thiruvannamalai District

...Respondents

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



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50% of the service rendered by the petitioner in the permanent vacancy as Village Assistant prior to 01.06.1995 along with regular service rendered by the petitioner from 01.06.1995 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.R.Rengaramanujam

For Respondents : Mrs.V.Yamuna Devi
Special Govt. Pleader for R1 to R4

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.R.Rengaramanujam, learned counsel for the petitioner and Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the respondents.



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3. The petitioner herein had given a representation dated 22.02.2022 to the first respondent to count 50% of the service rendered by the petitioner in the permanent vacancy as Village Assistant prior to 01.06.1995 along with regular service rendered by the petitioner from 01.06.1995 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. The petitioner has also sent a reminder on 05.06.2022. Since the said representation was not considered, 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.



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5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 22.02.2022 and reminder dated 05.06.2022, on their 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.

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

No costs.

19.12.2023

Index: Yes/No

Speaking order/Non-speaking order

gpa



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To
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M.S.RAMESH,J.

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