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W.P.Nos.35299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.35299 of 2023

R.Ponnaammal

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Environment, Forest and Climate Change Department,
Indira Paryavaram Bhawan, Jor Bagh,
New Delhi – 110 003.
- 2.The Union of India,
Represented by its Secretary to Government,
Department of Pension and Pensioners Welfare,
Lok Nayak Bhavan Khan Market,
New Delhi.
- 3.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Fort St.George,
Chennai Tamil Nadu State – 600 009.
- 4.The Principal Chief Conservator of Forest &
Head of Forests
Velachery Main Road,
Guindy, Chennai,
Tamil Nadu State – 600 032

... Respondents

PRAYER in W.P.Nos.35299 of 2023: Writ Petition filed under Article



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226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to regularize the petitioner husband service by relaxing the rules as Animal Keeper from the date of initial appointment on the basis of the similar persons seniority in the light of W.P. (MD) No.20478 of 2022 dated 01.09.2022 to provide family pension of Rs.6750/- by extending the benefit of G.O. Ms. No.336 Finance (Pay Cell) Department dated 14.11.2017 (or) 50 % of the last pay drawn by the petitioner by consider the claim and allow on the basis of petitioner representation dated 01.12.2023 within time frame as fixed by this Court.

For Petitioner : Mr.I.Kanna Patel

For R1 & 2 : Mr.A.Kumaraguru,
Senior Central Government Standing counsel

For R3 & R4 : Mr.P.Ganesan, Government Advocate

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 respondents on 01.12.2023, seeking to regularize the service of the petitioner's husband relaxing the rules as Animal Keeper from the date of



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initial appointment on the basis of the similar persons seniority in the light of W.P. (MD) No.20478 of 2022 dated 01.09.2022 to provide family pension of Rs.6750/- by extending the benefit of G.O. Ms. No.336 Finance (Pay Cell) Department dated 14.11.2017 or 50 % of the last pay drawn by the petitioner. 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 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 01.12.2023, on its own merits and pass appropriate orders in accordance



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with law, within a period of three (03) months 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.

20.12.2023

Index: Yes/No

Speaking order/Non-speaking order
gd



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M.S.RAMESH,J.

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