



WEB COPY



W.P.No.35789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

W.P.No.35789 of 2023

A. Puspharani

... Petitioner

***Vs.***

1.The Secretary to Government,  
Health and Family Welfare IM2(2) Department,  
St. George Fort, Chennai – 600 009.

2.The Principal Secretary and Director  
of Indian Medicine and Homeopathy,  
O/o. the Principal Secretary and Director of Indian  
Medicine and Homeopathy, Arumpakkam,  
Chennai – 600 106.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to sent a pension proposal of the petitioner in old pension scheme, consequently direct the 2<sup>nd</sup> respondent to provide the difference of monetary benefits from 26.03.1999 to till date to the petitioner.

For Petitioner : Mr.P. Saravanan

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



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## **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 12.12.2023, requesting to send a pension proposal of the petitioner in 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 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 12.12.2023, 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.

**22.12.2023**

Index:Yes/No

Speaking order/Non-speaking order

***Sni***



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**M.S.RAMESH,J.**

*Sni*

To

- 1.The Secretary to Government,  
Health and Family Welfare IM2(2) Department,  
St. George Fort, Chennai – 600 009.
- 2.The Principal Secretary and Director  
of Indian Medicine and Homeopathy,  
O/o. the Principal Secretary and Director of Indian  
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