



WEB COPY

W.P.No.35594 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 21.12.2023**

CORAM

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

**W.P.No.35594 of 2023**

D.Manoharan

... Petitioner

Vs.

1.The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Fort St. George, Chennai 9.

2.The Director of Town Panchayat,  
M.R.C. Nagar, Chennai 28.

3.The Assistant Director of Town Panchayat,  
Vellore Region, Vellore District.

4.The Executive Officer,  
Odugathur Selection Grade Town Panchayat,  
Vellore District.

... Respondents

**Prayer:** Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider pass orders on the petitioner's representation dated 18.11.2023 for cancellation of membership in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and to refund the subscription already recovered from my salary towards New Contributory Pension Scheme and in the light of the orders of this Court in W.A.No.357 of



2013 dated 03.04.2013 and consequently Government implemented the above High Court Order in G.O.Ms.No.364 Municipal Administration and Water Supply Department dated 14.09.2017 and to extended the above similar benefits.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.A.Baskaran                                   |
| For R1 to R3   | : Mrs.V.Yamuna Devi<br>Special Government Pleader |
| For R4         | : Ms.R.Anitha<br>Special Government Pleader       |

### **ORDER**

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

2. The prayer sought for in this Writ Petition is for a direction to the 1<sup>st</sup> respondent to consider pass orders on the petitioner's representation dated 18.11.2023 for cancellation of membership in the newly introduced Contribution Pension Scheme and to bring the petitioner under Old Pension Scheme and to refund the subscription already recovered from my salary towards New Contributory Pension Scheme and in the light of the orders of this Court passed in W.A.No.357 of 2013 dated 03.04.2013 and consequently



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Government implemented the above order in G.O.Ms.No.364, Municipal Administration and Water Supply Department dated 14.09.2017 and to extended the above similar benefits. Since the said representation was not considered, the petitioner has preferred the present Writ Petition.

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 the 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 1<sup>st</sup> respondent herein to consider the petitioner's representation dated 18.11.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three 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.

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5. With the above direction, the Writ Petition stands disposed of. No costs.

**21.12.2023**  
(1/2)

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Index : Yes / No  
Neutral Citation : Yes / No  
Speaking order / Non-speaking order

To

- 1.The Secretary to Government,  
Municipal Administration and Water Supply Department,  
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**M.S.RAMESH, J.**

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