



W.P.No.34162 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34162 of 2018

A. Karunakaran

... Petitioner

Vs.

1.The Principal Secretary to Government,
Public (Special-B) Department,
Secretariat,
Chennai – 600 009.

2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat,
Chennai – 600 009.

3.The Chairman,
One Man Commission, (Pay Anomaly),
Finance Department,
Secretariat,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to take all the G.Os and Rules and Provisions as shown above, which are, Ruling 13(IX) of Rule 26(a) of Tamil Nadu Fundamental Rules, Rule 78 of Tamil Nadu Pension Rules 1978, G.O.Ms.No.311 Finance (CMPC) Department



W.P.No.34162 of 2018

dated 31.12.2014, Enclosure with caption, 'pension working calculation statement upto commutation value of pension' to letter No.3479/Special-B/2015-1 dated 04.02.2016 of Public (Spl-B) Department to the Accountant General (GAD-IV) Chennai – 18, G.O.Ms.No.313 Finance (Pay Cell) Department dated 25.10.2017, G.O.Ms.No.148 P&AR (FR-II) Department dated 31.10.2018 extending the benefits given to a retired and deceased employee into account and pay the petitioner all the monetary benefits due to him in relaxation of Rule 6 of Tamil Nadu Revised Pay Rules G.O.Ms.No.303 Finance (Pay Cell) Department dated 11.10.2017, taking into account the monetary hardships of the petitioner.

For Petitioners : Mr.Chelliah,
Senior Counsel
for Mr.C. Saifullah

For Respondents : Mr.K.H. Ravi Kumar,
Government Advocate

ORDER

The petitioner herein had given representation dated 08.05.2018. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is needless to point out that whenever representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate



W.P.No.34162 of 2018

WEB COPY

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.

3. Since the representation given by the petitioner dates back to the year 2018, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

4. In the light of the above observations, the petitioner is granted liberty to give a fresh representation to the first respondent herein, ventilating his grievances. On receipt of the same, the first respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of six (6) weeks from the date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by



WEB COPY



W.P.No.34162 of 2018

M.S.RAMESH,J.

Sni

the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, this Writ Petition stands disposed of.

No costs.

19.01.2023

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

Sni

To

- 1.The Principal Secretary to Government,
Public (Special-B) Department,
Secretariat, Chennai – 600 009.
- 2.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Chennai – 600 009.
- 3.The Chairman,
One Man Commission, (Pay Anomaly),
Finance Department,
Secretariat, Chennai – 600 009.

W.P.No.34162 of 2018