



W.P.(MD).No.652 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.652 of 2024

M.Duraisamy

... Petitioner

Vs.

1.The Accountant General,
Accounts & Entitlement,
Nandhanam,
Chennai-18.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the pension and monetary benefits to the petitioner from the date of retirement, calculating the petitioner's service from the petitioner's date of appointment based on the petitioner's representation, dated 06.07.2023 made to the respondents.



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For Petitioner : Mr.P.Krishnasamy
For R1 : Mr.P.Gunasekaran
Standing Counsel
For R2 & R3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to disburse the Pension and monetary benefits to the Petitioner from the date of retirement, calculating the Petitioner's service from the Petitioner's date of appointment based on the petitioner's representation dated 06.07.2023 made to the respondents.

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

3. The petitioner is qualified in Old SSLC (11th standard pass). The District Collector, Ramanathapuram selected the petitioner as Noon Meal Organizer in the year 1983. On the basis of the said order, he was appointed as Noon Meal Organizer and he worked for 26 years in the said post. The Commissioner of Panchayat Union, Ramanathapuram declared the petitioner as



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permanent employee and entered into his Service Register with effect from 01.01.1996. In the year 2008, he passed the examination conducted by the Commissioner of Revenue Administration and thereafter, he was selected as Village Administrative Officer of Kallikulam Group, Ramanathapuram District vide proceedings, dated 12.02.2009. On 14.02.2009, appointment order was issued by the Revenue Divisional Officer, Paramakudi to the petitioner. On 22.01.2015, the Commissioner of Panchayat Union, Ramanathapuram issued certificate to the petitioner that the petitioner worked as Noon Meal Organizer from 01.02.1983 to 20.02.2009. On attaining the age of superannuation, he retired on 31.08.2013. However, several requests made by the petitioner to the respondents to issue him the pension considering his service was not considered. The petitioner was appointed on 01.02.1983 and he was brought under regular establishment and made permanent on 01.01.1996. In view of the entire period of service as Noon Meal Organizer and also Village Administrative Officer, he sought for grant of pension to the authorities. However, the same was not considered. Hence, he made a representation, dated 06.07.2023 to the respondents 2 & 3 to grant him with pension. However, the same is not considered. Hence, this writ petition came to be filed.



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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 the respondent 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 made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. Without going into the merits of the case, this Court hereby direct the 2nd respondent to consider the representation of the petitioner, dated 06.07.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No



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L.VICTORIA GOWRI, J.

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