



W.P.(MD).No.1176 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1176 of 2024

Subburaj

... Petitioner

Vs.

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

2.The District Collector,
Tenkasi District,
Tenkasi.

3.The Tahsildar,
Sivagiri Taluk,
Tenkasi 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 R-1 : M/s.S.Mahalakshmi
Standing Counsel

For R-2 & R-3 : Mr.C.Baskaran
Government Advocate

ORDER

The present writ petition has been filed for a Writ of Mandamus, to direct 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.

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

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner was selected as a Noon Meal Organizer vide proceedings of the District Collector, Tirunelveli dated 23.03.1983. Thereafter, he worked as a Noon Meal Organizer for the past 26 years. The Commissioner of Panchayat Union, Vasudevanallur declared the petitioner as a permanent employee and also his name was entered into Service Register with effect from 26.07.1994. After clearing an examination which was conducted by the Commissioner of Revenue Administration, vide G.O.No.439, Revenue (Pani-7(1)), Department dated 15.07.2008, the petitioner was selected as a Village Administrative Officer of Ramanathapuram Village, Sivagiri Taluk, Tenkasi District vide proceedings dated 12.02.2009. However, the petitioner's appointment was made as per the Tamil Nadu General Rule 10 (a) (1). On 13.02.2009, the appointment order issued by the Revenue Divisional Officer, Tenkasi division, Tirunelveli District. On attaining the age of superannuation, the petitioner retired on 31.01.2013. Thereafter, he made several requests to the respondents to issue the pension by considering his service. However, the petitioner's requests were not considered by the respondents. Hence, the petitioner made a representation dated 06.07.2023 to the respondents authorities to consider and disburse the pension and monetary benefits to the



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petitioner from the date of retirement and calculating the petitioner's service from the petitioner's date of appointment.

4. Heard the learned Counsel for the petitioner, the learned Standing Counsel for the 1st respondent and the learned Government Advocate for the respondents 2 and 3 and carefully perused the materials available on record.

5. 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.

6. Hence, without going into the merits of the case, this Court hereby direct the respondents to consider the petitioner's representation dated



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06.07.2023 and pass appropriate orders in accordance with law within a period of eight (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

22.01.2024

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

To

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.



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L.VICTORIA GOWRI, J.

Sml

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