



W.P.(MD).No.862 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.862 of 2024

C.Baskaran

... Petitioner

Vs

1. The Secretary to the Government,
Municipal Administration,
St. George Fort, Chennai.
2. The Director of Municipal Administration,
Directorate of Municipal Administration,
No.75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram, Chennai – 600 028.
3. The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

... 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 count the past service rendered in Tamil Nadu Steels Limited (1983-1998) along with service rendered in the 3rd respondent Corporation for the purpose of pension based on the representations, dated 12.04.2021 and 29.11.2023 preferred by the petitioner within the time frame stipulated by this Court.



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For Petitioner : Mr. V.P.Rajan

For Respondents : Mr.M.Siddharthan (R1,R2)
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to count the past service rendered in Tamil Nadu Steels Limited (1983-1998) along with the service rendered in the 3rd respondent Corporation for the purpose of pension based on the representations, dated 12.04.2021 and 29.11.2023 preferred by the petitioner, within the time frame stipulated by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited scope and relief sought for in the petition, notice to the third respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Perused the materials on record.



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4.(i).The petitioner was appointed as Assistant Foreman in Tamil Nadu Steels Limited, Arakkonam on 29.12.1983. The said Tamil Nadu Steels Limited incurred heavy loss and hence, the competent authority proposed to wind up the said concern with the consent of the Government. The said decision was approved and the employees were given voluntary retirement with compensation and relieved from service on 31.07.1998. After completing 15 years of service in the Tamil Nadu Steels Limited he was allowed to go on voluntary retirement.

(ii).The Government has also issued an order vide G.O.Ms.No.524 (Industries Department), dated 21.08.1998 declaring the employees of the Tamil Nadu Steels Limited for absorbing in the other Public Sector undertaking including State Transport Corporation. Another G.O.Ms.No.623 (Industries Department), dated 22.09.1998 came to be issued for absorption of employees of Tamil Nadu Steels Limited in TNEB and Municipal Office such as Municipality, Corporation and Town Panchayat. On the basis of above said G.Os. he was appointed as Junior Engineer in the third respondent Corporation, by order, dated 16.02.2001 and in this regard a resolution was passed on 15.02.2001.



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(iii).While allowing the employees of the Tamil Nadu Steels Limited to go on voluntary retirement scheme, a sum of Rs.2lakhs was given as compensation. After his appointment as Junior Engineer in the third respondent, he submitted a request for deducting the said compensation amount from his salary by instalments from 2001. Thereafter, he was promoted as Assistant Engineer in the year 2017.

(iv).On attaining the age of superannuation on 30.04.2020 he retired from service. Though the petitioner completed 19 years of service in the third respondent Corporation, the service rendered in the third respondent Corporation alone was calculated for granting pension. His past service rendered in Tamil Nadu Steels Limited from 1983-1998 before entering service in the third respondent Corporation is not calculated for calculating the pension. Hence, he lost 15 years of service rendered in the Tamil Nadu Steels Limited for the purpose of pension. Therefore, he preferred representations one after the another, dated 12.04.2021 and 29.11.2023 requesting the respondents for recognising the service rendered in the Tamil Nadu Steels Limited before getting absorbed in the third respondent Corporation for pension along with the service rendered in the third respondent Corporation. However, the same was not considered. Hence, this petition came to be filed.



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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 respondents 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.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of this case, this Court hereby directs the first respondent to consider the representations of the petitioner, dated 12.04.2021 and 29.11.2023 and pass appropriate orders in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

12.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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