



W.P.(MD).No.1689 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1689 of 2024

R.Uma Maheswari

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George,
Chennai 600 009.
2. The Director of Rural Development and Panchayat Raj,
Rural Development and Panchayat Raj Department,
Panagal Maligai, 4th and 5th Floor,
Abdul Maligai, Saidapet, Chennai 600 015.
3. The District Collector,
Office of District Collector,
Pudukottai District.
4. The Assistant Director (Panchayat),
District Collectorate, Pudukottai District.
5. The Commissioner,
Panchayat Union, Karambakudi Block,
Pudukkottai District.
6. The Chairman,
Karambakudi Union Committee,
Karambakudi, Pudukottai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No. 6 to continue to render the petitioner service as Record clerk or Computer Assistant in the office of the Respondent No. 6 by considering the petitioner's representation, dated 20.09.2023 in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr. R. Alagumani

For Respondents : Mr.S.Shaji Bino (R1 to R4)
Special Government Pleader

Mr.J.Ashok (R5, R6)
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to revise the pension benefits of the petitioner, namely Commuted Value of Pension and monthly pension from October, 2013 under TNSTCE Pension Fund Rules by taking his scale of pay on the month of his retirement i.e., September, 2013 as Rs.13,465/- as admitted by the 1st respondent before the Labour Court, Trichy in C.P.No.1/20 and also by counting his pensionable service period as 26 years and to pay him revised monthly pension, along with difference/arrears of Commuted Value of Pension and monthly pension for the



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period from October, 2013 together with 18% interest per annum, within a time frame fixed by this Court.

2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned Additional Government Pleader appearing for the respondents 5 and 6. Perused the materials on record.

4.(i).The petitioner belonged to Hindu Most Backward Class community and had completed her B.A.Tamil. In the year 2019, she joined as Computer Assistant at the sixth respondent Office. At the time of joining her monthly salary was Rs.5,000/- and then increased to Rs.6,000/-.

(ii).On August, 2021 a resolution, dated 19.08.2021 was passed by the sixth respondent, in which, the petitioner's wage was increased to Rs.309/- per day as per the order of the Collector, dated 15.05.2021. Thus, the petitioner



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was continuously doing her service for the past four years, even during the Covid-19 period. While so, during January, 2023, she was orally terminated by the sixth respondent, without any reason and without affording any opportunity of being heard.

(iii).On 11.09.2023, the Rural Development and Panchayat Raj Department, issued a notification to fulfil the posts of Driver, Record Clerk, Office Assistant and other works in Pudukottai District. Since the petitioner had been working as a Record Clerk in the sixth respondent Office for four years, she made a representation on 20.09.2023 to the respondents to permit her to continue to render service as Record Clerk in the sixth respondent Office. However, the same was not considered. Hence, this writ petition came to be filed.

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



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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 the case, this Court hereby directs the sixth respondent to consider the representation of the petitioner, dated 20.09.2023 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.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

30.01.2024

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



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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