



W.P.(MD).No.2564 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2564 of 2021

S.Namashivayam

...Petitioner

Vs.

- 1.The Secretary to Government,
The Tamilnadu Electricity Generation
& Distribution Corporation Ltd.,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Chairman,
The Tamilnadu Electricity Generation
& Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai-600 002.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Generation
& Distribution Corporation Ltd.,
Trichy Electricity Distribution Circle,
Tiruchirappalli-20.
- 4.The Chief Internal Audit Officer,
Board Office Audit Branch / TNEB,
No.144, Anna Salai,
Chennai-600 002.

... 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 respondents 1 to 3 to consider the petitioner's representation dated 22.01.2021 with regard to count the petitioner's Contract Labourer Service in full as qualifying service by absorbing as Mazdoor Grade II service on completion of ten years notionally from 19.02.1997 to till the date of retirement on 29.02.2016 along with the half of the contingencies service paid from 19.02.1987 to 18.02.1997 for the purpose of old pension and to send pension proposal to the 4th respondent to authorize the same with all consequential arrear benefits with interest as per the pension regulations within time frame as fixed by this Court.

For Petitioner	: Mr.I.Kanna Patel
For R-1	: Mr.D.Gandhi Raj, Special Government Pleader
For R-2 to R-4	: Mr.Anand Gopalan, For T.S.Gopalan

ORDER

The present writ petition has been filed seeking direction to the respondents 1 to 3 to consider the petitioner's representation dated 22.01.2021 with regard to count the petitioner's Contract Labourer Service in full as qualifying service by absorbing as Mazdoor Grade II service on completion of



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ten years notionally from 19.02.1997 to till the date of retirement on 29.02.2016 along with the half of the contingencies service paid from 19.02.1987 to 18.02.1997 for the purpose of old pension and to send pension proposal to the 4th respondent to authorize the same with all consequential arrear benefits with interest as per the pension regulations.

2. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

3. 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.



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4. Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 22.01.2021 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.

5. Accordingly, this Writ Petition is disposed of. No costs.

16.04.2024

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

To

The Secretary to Government,
The Tamilnadu Electricity Generation
& Distribution Corporation Ltd.,
Secretariat,
Fort St. George,
Chennai-600 009.



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L.VICTORIA GOWRI, J.

Sml

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