



W.P.(MD).No.3121 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3121 of 2024

K.Uma Maheswari

... Petitioner

Vs.

1.The Principal Secretary to Government,
Animal Husbandry,
Dairying and Fisheries Department,
Secretariat,
Chennai-600 009.

2.The Director of Animal Husbandry
and Veterinary Services,
Veterinary Hospital Campus,
Saidapet,
Chennai-600 035.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 12.10.2023 regarding payment of interest for belated payment of DCRG and Commutation of Pension, within a specified time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to consider the petitioner's representation dated 12.10.2023 regarding payment of interest for belated payment of DCRG and Commutation of Pension.

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

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

The petitioner was lastly serving as Administrative Officer in the office of the Regional Joint Director of Animal Husbandry, Sivagangai and her date of superannuation was on 31.03.2020. She was allowed to retire without



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prejudice to the disciplinary proceedings pending against her. However, the said disciplinary proceedings were dropped by Government, vide G.O.(D)No. 417 Animal Husbandry, Dairying and Fisheries Department dated 09.06.2023. Because of the initiation of aforesaid disciplinary Proceedings, she was not able to get her DCRG and Commutation of Pension, after her retirement. The date of her superannuation was on 31.03.2020 and the disciplinary proceedings was initiated on 11.06.2019. However, the payment of DCRG was on 03.10.2023 and the payment of Commutation was on 15.09.2023. Since, the same was paid to the petitioner belatedly, she is entitled to get 10% for the DCRG as per Rule 45(A) of the Tamil Nadu Pension Rules 1978 and vide the mandates of various Supreme Court Judgments. Hence, she made a representation on 12.10.2023. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. Carefully perused the materials available on record.



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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 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. It is made clear without going into the merits of this case that this Court hereby direct the 1st respondent to consider the representation of the petitioner dated 12.10.2023 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. Accordingly, this Writ Petition stands disposed of. No costs.

14.02.2024

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

To

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L.VICTORIA GOWRI, J.

Sml

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