



W.P(MD)No.6238 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.6238 of 2024

Sebastian

... Petitioner

Vs.

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

**2.The District Collector,
Tenkasi District,
Tenkasi.**

**3.The Tahsildar,
Veerakeralampudur 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 04.01.2024 made to the respondents.

For Petitioner : Mr.P.Krishnasamy



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For R1 & R2 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to 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 04.01.2024 made to the respondents.

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

3. The petitioner joined service as Noon-Meal Organizer on consolidated pay in the Panchayat Union Elementary School, Andarkulam, Tirunelveli District. His service was confirmed vide proceedings of the District Collector of Tirunelveli District and he worked under time scale basis up to 04.09.2007. Thereafter, he was temporarily appointed as Typist in the 2nd respondent office as per proceedings, dated 03.09.2007. The same was regularized by the 2nd



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respondent vide proceedings, dated 27.11.2010. Thereafter, he was posted as permanent Typist in the said village and he was allowed to retire on completion of the age of superannuation by the 3rd respondent on 31.10.2016. However, the pensionary benefits of the petitioner is not disbursed so far. In view of the same, he made a representation on 04.01.2024 to disburse his pensionary benefits.

4. 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.

5. Without going into the merits of the case, this Court hereby direct the respondents to consider the representation of the petitioner, dated 04.01.2024 and pass appropriate orders in accordance with law



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within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

15.03.2024

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

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To

- 1.The Accountant General,
Accounts & Entitlement,
Nandhanam, Chennai-18.
- 2.The District Collector,
Tenkasi District,
Tenkasi.
- 3.The Tahsildar,
Veerakeralampudur Taluk,
Tenkasi District.



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L.VICTORIA GOWRI, J.

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