



W.P.(MD).No.7881 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7881 of 2024

R.Sardar Basha

... Petitioner

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
NPKRR Maligai,
144, Anna Salai,
Chennai-2.

2.The Superintending Engineer,
Madurai Electricity Distribution Circle,
K.Pudur, Madurai-7.

3.The Superintending Engineer,
Madurai Electricity Distribution Metro,
K.Pudur, Madurai-7.

4.The Executive Engineer (TANGEDCO),
Madurai East Division,
Thiruppalai, Madurai-14.

... 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 consider the petitioner's representation, dated 24.08.2022 and thereby revise the



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terminal benefits as well as the pension and re-fix the same by revising the petitioner's promotion to the post of Wireman in the year 2005 instead of 2008.

For Petitioner : Mr.P.R.Prithiviraj

For Respondents : Mr.B.Ramanathan

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 24.08.2022 and thereby revise the terminal benefits as well as the pension and re-fix the same by revising the petitioner's promotion to the post of Wireman in the year 2005 instead of 2008.

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

3. The petitioner is one among the 176 workmen who were appointed on daily wage basis in the Electrical Division of the respondent Corporation during the period 1979-1980. The Electricity Department absorbed daily wage workmen who have put in 10 years of service during the year 1995. The service of the petitioner was also regularized. Following which, all the records



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including service registers were transferred to the 3rd respondent office. The petitioner served in the said office and retired on attaining the age of superannuation as Wireman on 30.06.2015. The 4th respondent while the petitioner was in service, promoted him to the post of Wireman vide proceedings, dated 17.07.2002. However, due to his family circumstances, he was not able to accept the aforesaid promotion in the year 2002. He made a request to the respondents 2 to 4 to adjourn the same. Thereafter, the petitioner was considered for promotion only during the promotion panel year 2008 and was promoted to the post of Wireman. One of the co-employees who was similarly placed like the petitioner and whose promotion was similarly deferred was promoted with effect from 2005. However, the petitioner's terminal benefits were calculated only by considering his promotion with effect from 2008. Hence, the petitioner made a representation on 24.08.2022 to the respondents to revise his terminal benefits including monthly pension by revising his promotion to the post of Wireman in the year 2005 instead of 2008. Since the same was not considered, this writ petition came to be filed.

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



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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 3rd respondent to consider the representation of the petitioner, dated 24.08.2022 and pass appropriate orders in accordance with law 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.

28.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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WEB COPY

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L.VICTORIA GOWRI, J.

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