



W.P.(MD)No.15832 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15832 of 2024

M.Muthuramalingam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Municipal Administration and Water
Supply Department, Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
- 3.The Commissioner,
Madurai Corporation,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 22.07.2023 and reminder dated 11.06.2024 and to revise the petitioner's retirement and pensionary benefits in the cadre of Assistant and to grant all attendant and monetary benefits and arrears with interest in accordance with G.O.Ms.No.173 (Finance) Pension Department, dated 01.04.2004.



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For Petitioner : Mr.M.Saravanakumar
For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate
For R3 : Ms.S.Devasena
Standing Counsel

ORDER

Heard Mr.M.Saravanankumar, learned counsel for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate for the respondents 1 and 2 and Ms.S.Devasena, learned Standing Counsel for the third respondent.

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

3.The petitioner was joined in service as a Section Writer in the respondent Department and promoted as an Assistant and retired from service on 30.06.2017. However, the third respondent had calculated the retirement benefits in the cadre of Junior Assistant. Hence, the petitioner made a representation dated 11.06.2024 to the revise his retirement and monetary benefits. Since the same was not considered, the petitioner has filed this writ petition.



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4. It is needless to point out that whenever a representation of this nature is made to a Government 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

5. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 11.06.2024 on its own merits and pass appropriate orders in accordance with law and in light of the earlier judicial pronouncement, if any, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to consider the same on its own merits.



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6. With the above direction, the Writ Petition stands disposed of.

No costs.

15.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Secretary to Government,
Municipal Administration and Water
Supply Department, Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
- 3.The Commissioner,
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R.N.MANJULA, J.

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