



W.P.(MD)No.16657 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.16657 of 2025

K.Arul Jothi

: Petitioner

Vs.

1. The State of Tamilnadu
Rep. by its Secretary,
Health and Family Welfare Department,
Fort St. George,
Chennai.

2. The Director of Medical and Preventive Medicine,
DMS Complex,
Teynampet, Chennai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to include the petitioner in the general provident fund and to disburse the monetary benefits of the petitioner by considering the representation given by the petitioner dated 16.06.2025 in light of the order dated 06.03.2025 passed in WP(MD) No. 4600 of 2025 within the time frame.



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For Petitioner : Mr. G.Prabhu Rajadurai

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, to include the petitioner in the general provident fund and to disburse the monetary benefits of the petitioner by considering the representation given by the petitioner dated 16.06.2025 in the light of the order dated 06.03.2025 passed in WP(MD) No.4600 of 2025 within the time frame.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner asserts that she was initially appointed as a Child Welfare Organizer on a consolidated payment on 13.09.1983.



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Thereafter, she was brought under the regular time scale of pay on 03.01.1996. Subsequently, she was regularized after six years, vide proceedings dated 30.01.2004 and retired from service on 31.05.2023. The grievance of the petitioner is that her service was governed under the New Pension Scheme. She contends that in a similar case, this Court, after taking into consideration the notification issued by the Government of India on 13.07.2023, quashed the proceedings of the respondent which rejected the inclusion in the General Provident Fund, by its order dated 06.03.2025 in W.P.(MD) No.4600 of 2025. In this regard, the petitioner submitted a representation dated 16.06.2025 to the respondent, requesting that she be included in the General Provident Fund and that the monetary benefits be disbursed. As no action has been taken on the said representation, the petitioner has now filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the second respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.



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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 him 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the second respondent to consider the petitioner's representation dated 16.06.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second respondent to consider the same on its own merits.



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7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

20.06.2025

Index : Yes / No

Internet : Yes / No

PKN

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VIVEK KUMAR SINGH, J.

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