



W.P.(MD).No.15575 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.15575 of 2023

B.Sekar

... Petitioner

-VS-

1. The Principal Secretary to Government of Tamilnadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai-600009.
2. The Director of Rural Development and Panchayat Raj,
Panagal Building, Chennai-600015.
3. The District Collector,
Madurai District @ Madurai.
4. The Assistant Director,
Local Fund Audit Department,
Perasiriyar K.Anbalagan Maaligai,
4th Floor, Nanthanam,
Chennai-600035.
5. The Commissioner,
Kottampatti Panchayat Union,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to count the services



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rendered by the petitioner in the post of panchayat clerk and panchayat assistant, for the period 01.10.1990 to 09.08.1998 for the purpose of pension and other terminal benefits and refix the same by considering the representation given by the petitioner dated 31.03.2023 within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.S.R.A.Ramachandhran

Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to count the services rendered by the petitioner in the post of 'Panchayat Clerk' and 'Panchayat Assistant', for the period from 01.10.1990 to 09.08.1998 for the purpose of pension and other terminal benefits and refix the same, by considering the representation submitted by the petitioner dated 31.03.2023 within the period stipulated by this Court.

2. Heard the learned counsel on either side and perused the materials placed before this Court.



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3. The petitioner was initially appointed as 'Part-time Panchayat Clerk' on 01.11.1990 in the fifth respondent Panchayat and as per the Government Order in G.O.Ms.No.962, Rural Development Department dated 28.11.1990, the post was redesignated as 'Panchayat Assistant' on 01.01.1991. Thereafter, on 10.08.1998, the petitioner was appointed as 'Additional Jeep Driver' and he finally retired from service on 31.07.2022. While this being so, the services rendered by the petitioner in the posts of 'Panchayat Clerk' and 'Panchayat Assistant', for the period from 01.10.1990 to 09.08.1998 have not been taken into account for the purpose of pension and other terminal benefits. Hence, the petitioner made representations dated 31.03.2023 and dated 12.06.2023 to the respondents. Since the said representations were not considered, the petitioner has filed the present Writ Petition.

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 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



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extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the third and fourth respondents to consider the petitioner's representations dated 31.03.2023 and dated 12.06.2023, on its own merits and pass appropriate orders in accordance with law, 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 respondents to consider the same on its own merits.

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

14.07.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
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