



W.P.(MD).No.19747 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.19747 of 2025

and

W.M.P.(MD)No.15196 & 15197 of 2025

K.Jagadeesan

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep by the Principal Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.

2. The Principal Secretary / Commissioner Of Treasuries and Accounts,
No.9, Jones Road, Anna Nagar Street,
Saidapet, Chennai 600 015.

3. The Additional Director of Treasuries and Accounts (Administration),
Office of the Commissioner of Treasuries and Accounts,
Anna Complex, III Floor,
Anna Salai, Nandanam,
Chennai – 600 035.

4. The District Treasury Officer,
District Treasury,
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned orders passed by 1st respondent in G.O.(Ms)



W.P.(MD).No.19747 of 2025

WEB COPY

No.398 Finance (K.K.2) department dated 16.09.2008 to the extent of the fixation of the date of regularization as the date of the order and G.O.No.41, Finance (Pension) Department, Dated 09.02.2010, amending Rule 11 of the TamilNadu pension Rules 1978 and inserting Clause (4) insofar as fixing cut off date as 01.04.2003 in the proviso thereof, with retrospective effect and also the order of the 4th respondent in his proceedings in Na.ka.No. 2688/A2/2019 dated 18.06.2021 and quash the same and consequently direct the respondents herein to count 50% of the past service, rendered by the petitioner herein prior to their regularization, for the purpose of old pension, within the time frame to be fixed by this Court.

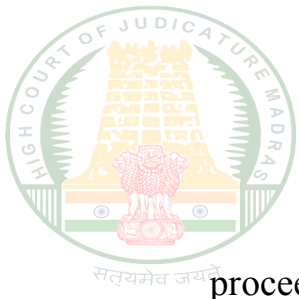
For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by 1st respondent in G.O.(Ms) No.398 Finance (K.K.2) department dated 16.09.2008 to the extent of the fixation of the date of regularization as the date of the order and G.O.No.41, Finance (Pension) Department, Dated 09.02.2010, amending Rule 11 of the TamilNadu pension Rules 1978 and inserting Clause (4) insofar as fixing cut off date as 01.04.2003 in the proviso thereof, with retrospective effect and also the order of the 4th respondent in his



W.P.(MD).No.19747 of 2025

WEB COPY

proceedings in Na.ka.No. 2688/A2/2019 dated 18.06.2021 and also to direct the respondents herein to count 50% of the past service, rendered by the petitioner herein prior to their regularization, for the purpose of old pension, within the time frame to be fixed by this Court.

2. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that though larger relief has been sought for by the petitioner, now, he confines the prayer that it would suffice if the representation submitted by the petitioner dated 03.07.2025 is disposed of in accordance with law.

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



W.P.(MD).No.19747 of 2025

WEB COPY

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

5. In view of the above, this Court directs the first respondent to consider the representation submitted by the petitioner dated 03.07.2025, 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. Consequently, connected miscellaneous petitions are closed.

21.07.2025

NCC : Yes/No
Index : Yes / No
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W.P.(MD).No.19747 of 2025

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1. The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.
2. The Principal Secretary / Commissioner Of Treasuries and Accounts,
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.19747 of 2025

Dated:
21.07.2025