



W.P.(MD)No.22725 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.22725 of 2024

S.Ganesan

... Petitioner

-VS-

1.The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Buildings,
Saidapet, Chennai - 600 015.

3.The District Collector,
Development Section,
Collectorate (Second Floor),
Thanjavur.

4.The Commissioner,
Kumbakonam Panchayat Union,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing first respondent i.e. the Additional Chief Secretary to Government, Rural Development and Panchayat Raj Department,



W.P.(MD)No.22725 of 2024

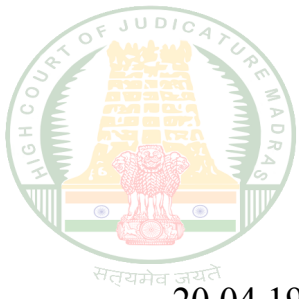
Chennai to pass appropriate orders on the petitioner's representation dated 03.08.2024 regarding sanction of regular pension for the service put in him as Office Assistant from 20.04.1990 to 31.07.2023 as per the time frame to be fixed by this Court.

For Petitioner	:	Mr.S.Visvalingam
For R1 to R3	:	Mr.K.Balasubramani Special Government Pleader
For R4	:	Mrs.D.Farjana Ghoushia Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to consider and pass appropriate orders on the petitioner's representation dated 03.08.2024, wherein the petitioner has requested the sanction of regular pension for the services rendered by him as 'Office Assistant' during the period from 20.04.1990 to 31.07.2023.

2. According to the petitioner, he initially joined service as 'Night Watchman' in the Kumbakonam Panchayat Union Office, Thanjavur District on 04.09.1987 under contingent service. He was promoted as 'Office Assistant' on



W.P.(MD)No.22725 of 2024

20.04.1990 in the same Panchayat Union Office and continued in that post in the regular time scale of pay until his superannuation on 31.07.2023. His services were regularized and probation was declared in the post of Office Assistant as per proceedings dated 08.05.1992 issued by the Commissioner of Panchayat Union, Kumbakonam. Upon retirement, revised pension proposals were submitted by the Commissioner, but the Assistant Director of Local Fund Audit, Chennai, rejected the proposal citing the petitioner's initial appointment under contingent service.

3. The petitioner submits that his entitlement to pension arises from his regular service as 'Office Assistant' from 20.04.1990 to 31.07.2023, covering 33 years of continuous service in the regular time scale. He submitted a detailed representation dated 03.08.2024 to the respondents herein, all of which, were acknowledged. However, no action has been taken till date. Hence, the petitioner has approached this Court seeking a direction to the first respondent to consider and dispose of his representation dated 03.08.2024, within a reasonable time frame.



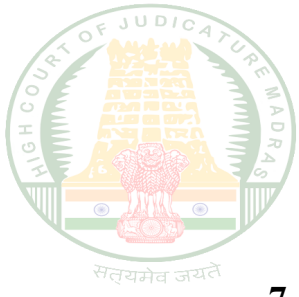
W.P.(MD)No.22725 of 2024

WEB COPY

4. Heard both sides.

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 first respondent to consider the representation of the petitioner, dated 03.08.2024, 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 first respondent to consider the same on its own merits.



W.P.(MD)No.22725 of 2024

WEB COPY

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

NCC : Yes / No

Index : Yes / No

smn2

16.07.2025

To:-

- 1.The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.
- 2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Buildings,
Saidapet, Chennai - 600 015.
- 3.The District Collector,
Development Section,
Collectorate (Second Floor),
Thanjavur.
- 4.The Commissioner,
Kumbakonam Panchayat Union,
Thanjavur.



WEB COPY



W.P.(MD)No.22725 of 2024

VIVEK KUMAR SINGH, J.

smn2

W.P.(MD)No.22725 of 2024

16.07.2025