



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.15725 of 2018

S.Marimuthu

... Petitioner

vs.

1. The Deputy Director,
Canteen Services,
Integarted HQ Ministry of Defence (Army),
QMC Branch, CS Dte,
West Block-III, RK Puram,
New Delhi-110 066.
2. The Area Commander,
HQ ATNK & K Area,
Island Ground, Chennai.
3. The Manager,
CSD(I) Canteen, ATNK & K Area,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to consider the petitioner's representation dated 31.03.2018.

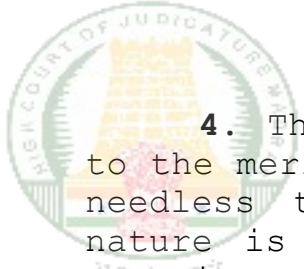
For Petitioner : Mr.A.Selvendran
For Respondents : Mr.V.Kathirvel,
Assistant Solicitor General,
Assisted by Mr.P.Subbiah,
Central Government Standing Counsel.

O R D E R

Mr.P.Subbiah, learned Central Government Standing Counsel, takes notice for the respondents.

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

3. It is the grievance of the petitioner that his representation dated 31.03.2018, seeking to avail the facility of defence canteen store department to the petitioner and his wife, has not been considered by the respondents till date and therefore, he has filed the present writ petition.



4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioner's representation dated 31.03.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and any other persons who may be interested in the subject matter.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Area Commander,
HQ ATNK & K Area,
Island Ground, Chennai.
2. The Deputy Director,
Canteen Services,
Integarted HQ Ministry of Defence (Army),
QMC Branch, CS Dte,
West Block-III, RK Puram,
New Delhi-110 066.
3. The Manager,
CSD(I) Canteen, ATNK & K Area,
Tirunelveli.

+ 2 CC TO Mr.SUBBIAH, ADVOCATE IN SR No. 73796

+ 1 CC TO Mr.A.SELVENDRAN, ADVOCATE IN SR No. 73971

CP