



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.26180 of 2019

and

W.M.P. (MD) No.22627 of 2019

WEB COPY

J.Udayakumar

... Petitioner

vs.

1.The Agriculture Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
Fort St.George,
Chennai.

2.The Director of Agriculture
Marketing and Agri Business,
Guindy, Chennai 32

3.The Deputy Director,
(Marketing and Agri Business),
No.11, Arabic College Road,
Kaja Nagar, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation dated 12.07.2018 and dispose of the benefits of Special Provident Fund, leave encashment of earned and leave credit held by the petitioner for the service rendered by him within a stipulated period.

For Petitioner : Mr.K.P.S.Palanivel Rajan
For Respondents : Mr.C.M.Marichelliah Prabhu,
Additional Government Pleader.

O R D E R

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

2. The limited prayer sought for the petitioner is that to consider the representation dated 12.07.2018 seeking to dispose of the benefits of Special Provident Fund, leave encashment of earned and leave credit held by the petitioner for the service rendered by him within a stipulated period.

3. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merit and pass appropriate orders in one way or other, instead of keeping the service employees in limbo indefinitely. Such an inaction would amount to



dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

4. In view of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 12.07.2018 on its own merits and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in his representation and it is for the respondents to consider it in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.22627 of 2019 is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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and Principal Secretary to Government,
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+1 CC to SPL.GP (SR-104677[F] dated 12/12/2019)

+1 cc to Mr.K.P.S.Palanivelrajan , Advocate SR.No.104321

Order made in

W.P. (MD)No.26180 of 2019

10.12.2019

KM/(07.01.2020) 2P 6C

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