



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.26956 of 2019

V.Sakthivel

... Petitioner

/Vs./

1.The Agricultural Production Commissioner/
The Principal Secretary to Government,
Agricultural Department,
Fort.St.George, Chennai 600 009.

2.The Chief Engineer (AE),
Agricultural Engineering Department,
No.487, Anna Salai, Nandanam,
Chennai 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to disburse petitioner's unearned leave salary, special provident fund and family benefit fund with 18% interest per annum by disposing his representation dated 06.11.2019 within the time limit that may be fixed by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.M.JeyaKumar

Additional Government Pleader

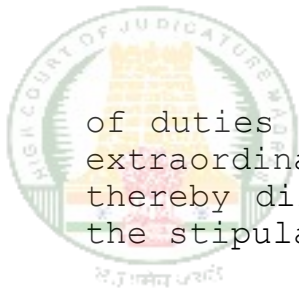
ORDER

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

2. Though the petitioner has sought for issuance of writ of mandamus directing the first respondent to disburse petitioner's unearned leave salary, special provident fund and family benefit fund with 18% interest per annum, in my view, such a decision is to be taken by the first respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that he has already made representation on 06.11.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. 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 merits and pass appropriate orders in one way or other, instead of keeping the same pending 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.

5. In view of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 06.11.2019, 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 her representation and it is for the respondents to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of.No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Agricultural Production Commissioner/
The Principal Secretary to Government,
Agricultural Department,
Fort.St.George, Chennai 600 009.

2.The Chief Engineer (AE),
Agricultural Engineering Department,
No.487, Anna Salai, Nandanam, Chennai 600 035.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-105741[F]
+1 CC to M/s.SPL.GP (SR-105977[F] dated 19/12/2019)

SMA/08/01/2020/2P/5C

Order made in
W.P.(MD)No.26956 of 2019
Dated:18.12.2019