



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2020**

CORAM:

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

W.P.(MD) No.1654 of 2020

Sri.Veliah

... Petitioner

/vs./

1.The Treasury Officer,
Virudhunagar Collectorate Office,
Virudhunagar District.

2.The Assistant Treasury Officer,
Sivakasi Sub-Treasury,
Sivakasi, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the 1st respondent to disburse the remaining Dearness Allowance was not exact commutate by the first respondent to consider the petitioner's Dearness Allowance with correct prospects according to the G.O.Ms.No.235 dated 01.06.2009 with effect from 01.01.2006.

For Petitioner : Mr.S.Mahalakshmi

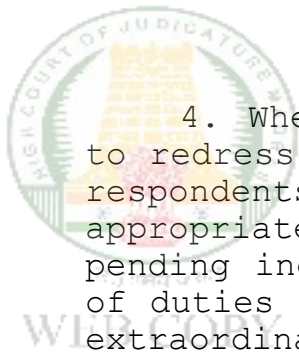
For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

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 to direct the first respondent to disburse the remaining Dearness Allowance as per G.O.Ms.No.235 dated 01.06.2009 with effect from 01.01.2006, in my view, such a decision is to be taken by the respondents and in case, the petitioner is aggrieved against such any decision, it would be appropriate for him to approach this Court.

3. The petitioner would submit that he has already made a representation on 22.07.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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. By taking into account the submission of the petitioner that he is aged about 91 years, it would be appropriate to direct the respondents to dispose of the petitioner's representation within a period of two weeks.

6. In view of the above observations, there shall be a direction to the first respondent herein to dispose of the petitioner's representation, dated 22.07.2019, on its own merits and pass appropriate orders within a period of two (2) 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

To:

1. The Treasury Officer, Virudhunagar Collectorate Office,
Virudhunagar District.

2. The Assistant Treasury Officer,
Sivakasi Sub-Treasury, Sivakasi, Virudhunagar District.

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-3797[F] dated 29/01/2020)

Order made in
W.P. (MD) No.1654 of 2020
29.01.2020

JMN(30.01.2020) 2P : 4C

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