



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.02.2020**

CORAM:

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

W.P. (MD)No.2601 of 2020

S.Victor

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep., by its Secretary,
Agriculture Department,
Fort St.George, Chennai.

2.The Chief Engineer (Agri Eng),
Agricultural Engineering Department,
Nandanam, Chennai.

3.The Assistant Executive Engineer (Agri Dep),
Thuckalay, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to consider the representation dated 25.08.2018 in accordance to Rule 53(1) of the Tamil Nadu Civil Service (Discipline & Appeal) Rules to grant the arrears of subsistence allowance from 13.06.2013 to 01.05.2018 at 75% for which the petitioner is legally entitled, within a stipulated period.

For Petitioner	:	Mr.K.P.S.Palanivel Rajan
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. The limited prayer sought for by the petitioner is that to consider the representation dated 25.08.2018 seeking for arrears of subsistence allowance from 13.03.2013 to 01.05.2018.

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 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.

4. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representations dated 25.08.2018 on its own merits and pass appropriate orders within a period of six (6) 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 third respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1.The Secretary,
State of Tamil Nadu,
Agriculture Department,
Fort St.George, Chennai.

2.The Chief Engineer (Agri Eng),
Agricultural Engineering Department,
Nandanam, Chennai.

3.The Assistant Executive Engineer (Agri Dep),
Thuckalay, Kanyakumari District.

+1 CC to MR.K.P.S.PALANIVELRAJAN, Advocate (SR-5644[F] dated 11/02/2020)

+1 CC to SPL.GP (SR-5828[F] dated 12/02/2020)

Order made in
W.P.(MD) No.2601 of 2020

Dated:

11.02.2020

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