



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

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

W.P.(MD) No.2665 of 2020

WEB COPY

Thangavelu

... Petitioner

/vs./

The Special Commissioner and

Commissioner of Archives and Historical Research,
Tamilnadu Archives,
Egmore, Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondent to pay the petitioner the monetary benefits of his deceased brother namely Late Sri.Chinnakalai, as held by this Court in W.P(MD) No.15273 of 2005 by its order dated 01.08.2008 and also to provide him a report stating elaborate and periodical details about the aforesaid amount by considering his representation dated 20.01.2020 within the time frame to be stipulated by this Court.

For Petitioner : Mr.A.K.Hemaraj

For Respondent : Mr.V.Anand,
Government Advocate

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 respondent to pay him the monetary benefits of his deceased brother namely Late Sri.Chinnakalai, as held by this Court in W.P(MD) No.15273 of 2005 by its order dated 01.08.2008 and also to provide him a report stating elaborate and periodical details about the aforesaid amount, in my view, such a decision is to be taken by the 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 a representation on 20.01.2020 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. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation, dated 20.01.2020, on its own merits and pass appropriate orders within a period of four (4) 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 respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CP

To:

The Special Commissioner and

Commissioner of Archives and Historical Research,
Tamilnadu Archives,
Egmore, Chennai.

+1 CC to MF.A.K.HEMARAJ, Advocate (SR-5797[F] dated 12/02/2020)

+1 CC to SPL.GP (SR-6116[F] dated 13/02/2020)

Order made in
W.P. (MD) No.2665 of 2020

Dated:
12.02.2020

KM/ (20.02.2020) 2P 4C

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