



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.2640 of 2020

P.K.Periasamy

... Petitioner

/vs./

1.The State of Tamil Nadu,
rep., by its Secretary to Government,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat, St.George Fort, Chennai.

2.The Director of Handlooms and Textiles,
Kuralagam, II Floor,
Chennai 108.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to issue the No Objection Certificate (NOC) to the petitioner for purpose of disbursement of Pension benefits by the District Treasury Officer Madurai considering the petitioner's representations dated 16.12.2019 and 24.01.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

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 to direct the second respondent to issue the No Objection Certificate (NOC) to the petitioner for purpose of disbursement of Pension benefits by the District Treasury Officer, Madurai, in my view, such a decision is to be taken by the second 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 24.01.2020 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 second respondent herein to consider the petitioner's representation, dated 24.01.2020, 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 second respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Secretary to Government,
State of Tamil Nadu,
Handlooms, Handicrafts, Textiles and Khadi Department,
Secretariat, St.George Fort,
Chennai.

2.The Director of Handlooms and Textiles,
Kuralagam, II Floor,
Chennai 108.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5791

+1 CC to M/s.Special Govt.Pleader (SR-5825[F] dated 12/02/2020)

Order made in
W.P. (MD) No.2640 of 2020

Dated:
11.02.2020

rmk

SDS (14.02.2020) 2P-5C

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