



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.02.2020**

CORAM:

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

W.P. (MD) No.3275 of 2020

N.Balu

... Petitioner

vs.

1.The Additional Chief Secretary,
Rural Development and Panchayath Raj Department,
Panagal Building,
Chennai-600 015.

2.The Assistant Director,
Rural Development and Panchayath Raj Development,
District Collector Office Campus,
Madurai District.

3.The District Collector,
Madurai District,
Madurai-625 020.

4.The Block Development Officer(B.D.O.)
Block Development Office,
Usilampatti Block,
Madurai District.

5.The President,
Thummanatham Village Panchayath Office,
Usilampatti Taluk,
Madurai District.

6.The Secretary,
Thummanatham Village Panchayath Office,
Usilampatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay the lump-sum payment of a sum of Rs.50,000/- (Rupees Fifty Thousand only) and the Special Monthly Pension for a sum of Rs.2,000/- for every month from the date of retirement ie., 30.06.2018 to the petitioner based on the Government Order in G.O.Ms.No.348 Finance (Pay Cell) Department, dated 28.11.2017 within a stipulated time that may be stipulated by this Court.

For Petitioner
For Respondents

: Mr.A.Sahaya Philomin Raj
: Mr.R.Sethuraman
Special 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 respondents to pay the lump-sum payment of a sum of Rs.50,000/- (Rupees Fifty Thousand only) and the Special Monthly Pension for a sum of Rs.2,000/- for every month from the date of retirement, ie., 30.06.2018 to the petitioner in the light of the Government Order in G.O.Ms.No.348 Finance (Pay Cell) Department, dated 28.11.2017, 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 representations on 06.12.2019 and 13.01.2020 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 first respondent herein to consider the petitioner's representations, dated 06.12.2019 and 13.01.2020, 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 first respondent to consider it in accordance with law.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar(CS)



To

1.The Additional Chief Secretary,
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+1 CC to Mr.R.KARUNANITHI, Advocate (SR-7212[F] dated 19/02/2020)

+1 CC to SPL.GP (SR-7806[F] dated 24/02/2020)

**W.P. (MD) No.3275 of 2020
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VB(11.03.2020) 3P 9C