



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.02.2020**

CORAM:

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

W.P.(MD) No.3843 of 2020

S.Bourudeen

... Petitioner

/vs./

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
O/o., The District Revenue Officer,
Dindigul District.

3.The Revenue Divisional Officer,
O/o., The Revenue Divisional Officer,
Dindigul District.

4.The Tahsildar,
Nilakottai Taluk,
Dindigul 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 provide encashment of earned leave and encashment of unearned leave on private affairs, general provident fund, special provident fund and family benefits fund to the petitioner by considering the representation dated 17.02.2020 made by the petitioner in light of the order in W.P.No.139 of 2016 dated 22.08.2017 and order in W.P.No.187 of 2019 dated 10.07.2019 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : 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 third respondent to provide encashment of earned leave and encashment of unearned leave on private affairs, general provident fund, special provident fund and family benefits fund to the petitioner, 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 to approach this Court.



3. The petitioner would submit that he has already made representation on 17.02.2020 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.

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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 respondents herein to consider the petitioner's representation, dated 17.02.2020 in the light of the order passed in W.P.No.139 of 2016 dated 22.08.2017 and order in W.P.No.187 of 2019 dated 10.07.2019, on its own merits and pass appropriate orders within a period of eight (8) 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 respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
O/o., The District Revenue Officer,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Revenue Divisional Officer,
O/o., The Revenue Divisional Officer,
Dindigul District.

4.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

+1 CC to Mr.I.PINAYGASH, Advocate (SR-8502[F] dated 26/02/2020)

Order made in
W.P. (MD) No.3843 of 2020
26.02.2020

VB(10.03.2020) 3P 6C