



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.02.2020**

CORAM:

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

W.P. (MD) No.16605 of 2019

WEB COPY

P.Natarajan

... Petitioner

/vs./

1.The District Collector,
Trichy District,
Trichy.

2.The Assistant Director,
Rural Development,
Trichy.

3.The Block Development Officer,
Thuraiyur Panchayat Union,
Thuraiyur,
Trichy District.

4.The Panchayat President,
Venkatesapuram Panchayat,
Thuraiyur,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to pay the monetary benefits as stipulated in G.O.Ms.191,dated 29.04.1998 regarding 40% increase in salary for the period from 1.1.1996 till the date of retirement on 31.07.2004 to the petitioner with interest, and to modify pension from the date of retirement and pay the due arrears and further orders.

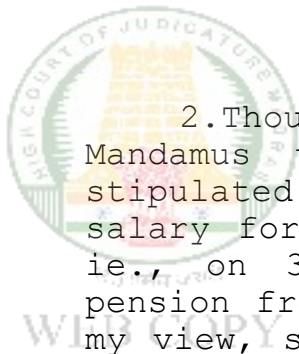
For Petitioner : Mr.S.Pandiyaraj

For R1 & R2 : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

For R3 : Mr.S.Angappan
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 the respondents to pay the monetary benefits as stipulated in G.O.Ms.191, dated 29.04.1998 regarding 40% increase in salary for the period from 01.01.1996 till the date of retirement ie., on 31.07.2004 to the petitioner with interest, to modify pension from the date of retirement and to pay the due arrears, 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 submitted a representation on 03.07.2019 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 respondents herein to consider the petitioner's representation, dated 03.07.2019, in the light of the G.O.Ms.No.191, dated 29.04.1998 and the order passed by this Court in the case of ***K.Muniandi Vs. The District Collector, Virudhunagar District, Collectorate, Virudhunagar Town and another*** dated ***24.08.2017*** and pass appropriate orders within a period of six 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 direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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



To

1.The District Collector,
Trichy District,
Trichy.

2.The Assistant Director,
Rural Development,
Trichy.

3.The Block Development Officer,
Thuraiyur Panchayat Union,
Thuraiyur,
Trichy District.

+1 CC to M/s.SPL.GP (SR-6145[F] dated 13/02/2020)

+1 CC to M/s.J.YESU SUBANATHAN, Advocate (SR-6184[F] dated
13/02/2020)

**W.P. (MD) No.16605 of 2019
12.02.2020**

JMN(20.02.2020) 3P : 6C