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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.17318 OF 2021

S.Venugopal

... Petitioner

.Vs.

1. The Director of Agriculture,
Chepauk,
Chennai - 600 005.
2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
3. The Joint Director of Agriculture,
Tiruvannamalai,
Tiruvannamalai District.
4. The Assistant Director of Agriculture,
Agriculture Department,
Anakkavur Block,
Tiruvannamalai District.
5. The Vision Care Services Private Limited,
40, B/2, Manimuthu Valaagam (II Floor),
Salai Road, Woraiyur,
Trichy - 620 003.
6. The Regional Officer,
Employee's Provident Fund Organization,
Bhavishya Nidhi Bhawan,
S-1, TNHB, Phase-III,
Sathuvachari,
Vellore - 632 009.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to take action against the 5th respondent for violating the order of



the 1st respondent in Letter No.G1/116931/2016 dated 10.09.2019 and G.O.(Ms).No.184 Agriculture (AP-2) Department dated 03.09.2019, consequently direct the 5th respondent to pay EPF amount with interest as directed by the 1st respondent to the petitioner by considering the petitioner's representation dated 23.04.2021.

For Petitioner : Mr.E.Sathiyaraj

For R1 to 4 : Mr.K.Tippu Sulthan,
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Since the petitioner's representation dated 23.04.2021 to the first respondent to direct the fifth respondent herein to pay EPF amount with interest, was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 23.04.2021 within a stipulated time and thereby, the ends of justice could be secured. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 23.04.2021, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as the fifth respondent herein, within a period of 3 months from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Director of Agriculture,
Chepauk,
Chennai - 600 005.
2. The District Collector,
Tiruvannamalai,
Tiruvannamalai District.
3. The Joint Director of Agriculture,
Tiruvannamalai,
Tiruvannamalai District.
4. The Assistant Director of Agriculture,
Agriculture Department,
Anakkavur Block,
Tiruvannamalai District.
5. The Regional Officer,
Employee's Provident Fund Organization,
Bhavishya Nidhi Bhawan,
S-1, TNHB, Phase-III,
Sathuvachari,
Vellore - 632 009.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.41322
+1cc to the Government Pleader, S.R.No.41747

W.P.NO.17318 OF 2021

GPL(CO)
PBS/14/09/2021