



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.24113 of 2019

B.Selvam

...Petitioner

Vs.

1. The Special Tahsildar,
Adi Dravidian Welfare Department,
Salem.

2. The Principal Accountant General
(A & E) Tamil Nadu,
Chennai - 600 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to draw and disburse the Arrear of Pay to the Petitioner for the period from 01.06.1988 to 31.10.2009 within a time frame, in the light of the Revised Pension Proposal in Pro.Na.Ka.No.12/2018/C dated 19.02.2018 of the First Respondent.

For Petitioner : M.Ravi

For Respondents : 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 request to disburse the arrears of pay was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation to the first respondent in this regard on 10.12.2018, which is still pending.



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 10.12.2018 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 concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the petitioner's representation dated 10.12.2018 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

hvk

To

1. The Special Tahsildar,
Adi Dravidian Welfare Department,
Salem.



2. The Principal Accountant General
(A & E) Tamil Nadu,
Chennai - 600 018.

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+1cc to Mr.S.Balaji, Advocate, S.R.No.34927
+1cc to the Government Pleader, S.R.No.35605

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GPL (CO)
SU (23/08/2021)