



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.897 of 2021

S.Sankaramoorthy

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Chairman of TWAD Board and Principal Secretary,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Managing Director,
TWAD Board, Head Office,
No.31, Kamarajar Salai, Chepauk,
Chennai-600 005.

3.The Secretary cum General Manager,
TWAD Board, Head Office,
No.31, Kamarajar Salai, Chepauk,
Chennai-600 005.

4.The Superintending Engineer,
TWAD Board,
Madurai, Dindigul Theni Circle,
Madurai-625 007.

5.The Executive Engineer,
TWAD-Sewerage Division,
Rajapalayam,
Virudhunagar District-626 108.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay the entire terminal benefits amount of Rs.47,13,333/- payable to the petitioner, such as Death cum Retirement Gratuity, Commutation amount, Earned leave salary, Leave on private affairs together with 18% interest from the date of his retirement i.e., 28.02.2019 to till the date of payment and all other attendant benefits to him within the stipulated period.

For Petitioner : Mr.A.K.Thangavelu

For Respondents : Mr.P.Kannithevan
Additional Government Pleader



O R D E R

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

2. Since the petitioner's request to the respondents to pay the entire terminal benefits amount of Rs.47,13,333/- payable to him, such as Death cum Retirement Gratuity, Commutation amount, Earned leave salary, Leave on private affairs together with interest from the date of his retirement i.e., 28.02.2019 to till the date of payment and all other attendant benefits to him were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 11.12.2020, 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 second respondent herein to consider the petitioner's representation dated 11.12.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the second respondent to consider the petitioner's representation dated 11.12.2020, in the light of the proposal of the third respondent in his letter dated 13.12.2019, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 (RTI)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Chairman of TWAD Board and Principal Secretary,
State of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George, Secretariat,
Chennai-600 009.
- 2.The Managing Director,
TWAD Board, Head Office,
No.31, Kamarajar Salai, Chepauk,
Chennai-600 005.
- 3.The Secretary cum General Manager,
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- 5.The Executive Engineer,
TWAD-Sewerage Division,
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Virudhunagar District-626 108.

+1 CC to Mr.A.K.THANGAVELU, Advocate (SR-1748[F] dated 22/01/2021)

Order made in
W.P. (MD) No.897 of 2021
21.01.2021

KM (04.02.2021) 3P 7C