



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1567 of 2021

WEB COPY

Pandiammal

...Petitioner

Vs.

The Madurai City Municipal Corporation,
through its Commissioner,
Aringar Anna Maligai,
Tallakulam, Madurai-625 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the terminal benefits of the petitioner's husband Ammavasai to the petitioner which includes Pension, Gratuity, Leave Salary and lump sum payment and other benefits within the time framed by this Court.

For Petitioner : Mr.N.Murugesan

For Respondents : Mr.R.Sethuraman
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 respondent to disburse the terminal benefits of her husband Ammavasai to her which includes Pension, Gratuity, Leave Salary and Lump sum payment and other benefits was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 06.06.2019, 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 respondent herein to consider the petitioner's representation dated 06.06.2019, 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 view 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 respondent to consider the petitioner's representation dated 06.06.2019, after giving personal opportunity of hearing to the petitioner as well as the rival claimants namely Pandiammal and Sunndarammal, 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-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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
The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Tallakulam, Madurai-625 002.

+1 CC to M/s.N.MURUGESAN, Advocate (SR-2993[F] dated 03/02/2021)
W.P. (MD) No.1567 of 2021
02.02.2021

ES(CO)
TR(12.02.2021) 2P 3C