



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.1616 of 2021

R.Vijayaveeran

...Petitioner

Vs.

1.The Accountant General (A&E),
Office of the Accountant General,
Chennai-18.

2.The Director of Town and Country Planning,
Town and Country Planning Department,
No.807, Anna Salai,
Chennai-600 002.

3.The Deputy Director,
Hosur New Town Development Authority,
25/2, Nethaji Road,
Hosur, Krishnagiri District-635109.

4.The Member Secretary,
Hosur New Town Development Authority,
Krishnagiri District Town Development Office,
Hosur, Krishnagiri District.

5.The Inspector of Police,
Directorate of Vigilance and Anticorruption,
Sivagangai.

... Respondents

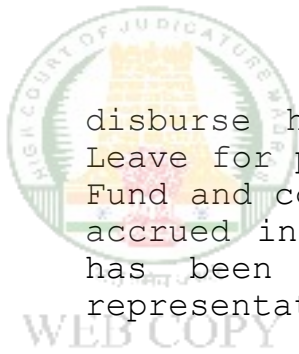
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to disburse the petitioner, the Encashment of Earned Leave, Encashment of unearned Leave for private affairs, General Provident Fund, Special Provident Fund and consequential retirement and pensionary benefits along with accrued interest due to the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.M.Kannan
For R-1	: Mr.P.Gunasekarn
	Standing Counsel
For R-2 to R-5	: Mr.M.Muniyasamy,
	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



disburse his Encashment of Earned Leave, Encashment of unearned Leave for private affairs, General Provident Fund, Special Provident Fund and consequential retirement and pensionary benefits along with accrued interest due to him were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 30.08.2020, 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 30.08.2020, 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 second respondent to consider the petitioner's representation dated 30.08.2020, on its own merits and pass appropriate orders in accordance with law, within a period of six 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 (P&A)

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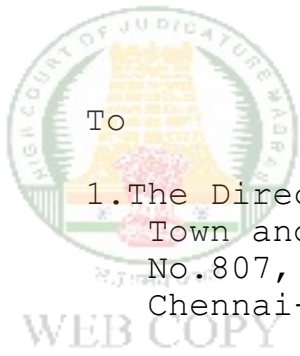
/ /2021

Sub Assistant Registrar(CS)

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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 Director of Town and Country Planning,
Town and Country Planning Department,
No.807, Anna Salai,
Chennai-600 002.

2.The Deputy Director,
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Hosur, Krishnagiri District-635109.

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Hosur, Krishnagiri District.

4.The Inspector of Police,
Directorate of Vigilance and Anticorruption,
Sivagangai.

+1 CC to M/s.M.KANNAN, Advocate (SR-2995[F] dated 03/02/2021)

+1 CC to M/s.SPL GP (SR-3054[F] dated 03/02/2021)

W.P.(MD) No.1616 of 2021
02.02.2021

SSS(CO)
KB(11.02.2021) 3P 7C