BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.02.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.1648 of 2021
and
W.M.P(MD) No.1392 of 2021

R.Vijayalakshmi ...Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Devakkottai Taluk, Sivagangai District.

3.The Tahsildar,
Devakkottai,
Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the benefits in regard to encashment of Earned Leave, encashment of unearned leave on private affairs, GPF, Provident Fund and all other retirement and monetary benefits payable to the petitioner's deceased husband viz., Late. Mr.V.Ramachandran with an accrued interest at the rate of 18% per annum and by considering the petitioner's representation dated 09.12.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.S.Dhayalan
Government Advocate

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 the benefits with regard to Encashment of earned Leave, Encashment of unearned leave on private affairs, GPF, Provident Fund and all other retirement and monetary benefits payable to her deceased husband viz., Late. Mr.V.Ramachandran with an accrued interest were not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 09.12.2020, 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 first respondent herein to consider the petitioner's representation dated 09.12.2020, 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 first respondent to consider the petitioner's representation dated 09.12.2020, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// 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 District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Devakkottai Taluk,
Sivagangai District.

3.The Tahsildar,
Devakkottai,
Sivagangai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2982[F] dated 03/02/2021)

+1 CC to M/s.SPL GP (SR-3052[F] dated 03/02/2021)

W.P.(MD) No.1648 of 2021
02.02.2021

SSS(CO)
KB(15.02.2021) 3P 6C