



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2029 of 2021

S.Babu

...Petitioner

Vs.

- 1.The Additional Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.
 - 2.The Director of Rural Development and Panchayat Raj Department,
Panagal Building,
Saidapet, Chennai - 600 015.
 - 3.The Director of Local Fund Audit,
Amma Valagam, 4th Floor,
(Back Side of Veterinary Hospital),
Nandanam, Chennai - 600 035.
 - 4.The Panchayat Union Commissioner,
Thovalai Panchayat Union,
Boothapandi Village and Post - 629 852,
Kanniyakumari District.
 - 5.The District Collector,
Kanniyakumari District,
Nagercoil.
- ... Respondents

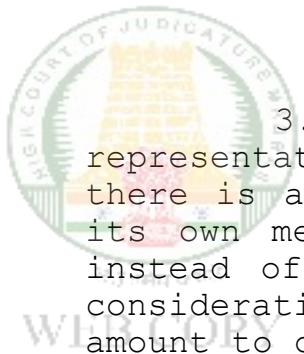
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 04.01.2021, seeking grant of full pension and pass appropriate order within the time as stipulated by this Court.

For Petitioner : Mr.N.Tamil Mani
For Respondents : Mrs.V.P.M.Vaishnavi
for R1 to R3 & R5
Government Advocate
Mr.J.Gunaseelan Muthiah for R4

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 grant full pension, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 04.01.2021, 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 respondents 2 and 3 herein to consider the petitioner's representation dated 04.01.2021, 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 respondents 2 and 3 to consider the petitioner's representation dated 04.01.2021, 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 (P&A)

// True Copy //

/ /2021

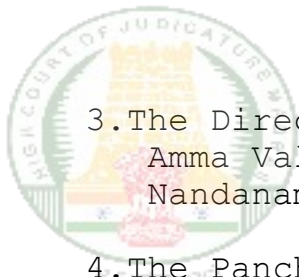
Sub Assistant Registrar(CS)

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 Additional Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai - 600 009.

2. The Director of Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai - 600 015.



3.The Director of Local Fund Audit,
Amma Valagam, 4th Floor, (Back Side of Veterinary Hospital),
Nandanam, Chennai - 600 035.

4.The Panchayat Union Commissioner,
Thovalai Panchayat Union, Boothapandi Village and Post - 629 852,
Kanniyakumari District.

5.The District Collector, Kanniyakumari District, Nagercoil.

+1 CC to M/s.N.TAMIL MANI, Advocate (SR-3695[F] dated 08/02/2021)

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-3859[F] dated
08/02/2021)

+1 CC to M/s.GP (SR-3730[F] dated 08/02/2021)

W.P.(MD) No.2029 of 2021
05.02.2021

AC (CO)

KB(24.02.2021) 3P 9C