



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.2890 of 2021

A.Ramachandran

...Petitioner

Vs.

1.The Accountant General,
Accountant General Office,
No.361, Anna Salai,
Chennai-600 018.

2.The Commissioner,
Department of Social Defence
No.300, Purasawalkam High Road,
Kelliys, Chennai-600 010.

3.The Superintendent,
Government Observation Home
Xavier Colony,
Melapalayam Post,
Tirunelveli-627 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 to 3 to pay 5% of Personal Pay to the petitioner from the date of retirement i.e., 28.02.2017 by considering the petitioner's representation dated 05.01.2021 based on the Government Order in G.O.(Ms) No.497 (Finance (Pay Cell) Department) dated 15.09.1998 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For R-1 : Mr.P.Gunasekaran

For R-2 and R-3 : Mr.P.Mahendran

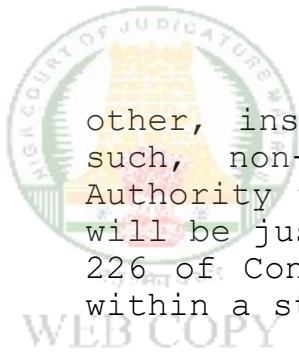
Additional Government Pleader

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 5% of Personal Pay to him from the date of retirement i.e., 28.02.2017 was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 05.01.2021, 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 second respondent herein to consider the petitioner's representation dated 05.01.2021, 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 second respondent to consider the petitioner's representation dated 05.01.2021, in the light of the proceedings of the second respondent dated 25.02.2009, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 (T&P)

// 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

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Chennai-600 018.
2. The Commissioner,
Department of Social Defence
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3.The Superintendent,
Government Observation Home
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Tirunelveli-627 005.

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-5585[F] dated 17/02/2021)

+1 CC to M/s.SPL GP (SR-5646[F] dated 17/02/2021)

W.P. (MD) No.2890 of 2021
16.02.2021

MJ(CO)
KB(02.03.2021) 3P 6C