



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3304 of 2021

E.Sanjeev

...Petitioner

Vs.

1.The Bharathidasan University,
Rep by its Registrar,
Palkalaiperur, Tiruchirappalli-620024.

2.The Assistant Director of Local Fund Audit,
Local Fund Audit Department,
Bharathidasan University,
Trichy, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to issue Audit Certificate and consequentially to direct the first respondent to pay pension, Gratuity, Commutation and other monetary benefits thereon on the light of the order passed by the first respondent in his proceedings in ந.க.எண்.பி1/329646/2018 dated 15.09.2020 and by considering the petitioner's representation dated 01.02.2021 within the period that may be stipulated by this Court.

For Petitioner	: Mr.C.Venkatesh Kumar for M/s.Ajmal Associates
For Respondent 1	: Mr.VR.Shanmuganathan Standing Counsel
For Respondent 2	: 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 issue Audit Certificate and to pay pension, Gratuity, Commutation and other monetary benefits to him were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 01.02.2021, 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.

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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 01.02.2021, 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 01.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 (T&P)

// True Copy //

/ /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

The Assistant Director of Local Fund Audit,
Local Fund Audit Department,
Bharathidasan University,
Trichy, Trichy District.

+1CC to M/s.AJMAL ASSOCIATES (SR-6526[F] dated 22/02/2021)

Order made in

W.P. (MD) No.3304 of 2021

22.02.2021

SV2 (CO)

SRS (03/03/2021) 2P : 3C

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