



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.3966 of 2021

R.Muthukumarasamy

...Petitioner

Vs.

1.The Secretary,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam,
Chennai.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvananthapuram Road,
Palayankottai,
Tirunelveli (Dist.)

3.The Executive Officer,
Sankara Rameswarar Temple,
18, South Sambantha Moorthy Street,
Tuticorin (City).

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to issue a departmental Pension on light of the petitioner's representation and meanwhile pay the Surrender leave pay for 180 days of the petitioner past service and by considering the petitioner's representation dated 06/11/2019 and within a period that may be stipulated by this Court.

For Petitioner : Mr.V.Balasubramanian

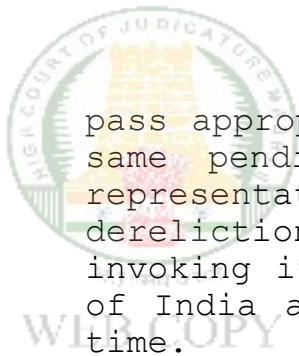
For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

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 a departmental Pension and to pay the Surrender leave salary for the period of 180 days of my past service, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 06.11.2019, 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 06.11.2019, 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 06.11.2019, 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 (CSIII)

// 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 Secretary,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai.

2. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Thiruvananthapuram Road,
Palayankottai,
Tirunelveli (Dist.)

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Executive Officer,
Sankara Rameswarar Temple,
18, South Sambantha Moorthy Street,
Tuticorin (City).

+1 CC to M/s.V.BALASUBRAMANIAN, Advocate (SR-8038[F] dated
02/03/2021)

+1 CC to M/s.SPL GP (SR-8706[F] dated 04/03/2021)

W.P. (MD) No.3966 of 2021
02.03.2021

SAR(CO)
KB(19.03.2021) 3P 6C