



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4339 of 2021

Ramachandran

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai - 34.

2.The Joint Commissioner,
Hindu Religious and Charitable Endowments Department,
Sivagangai District.

3.The Manager,
Devasthanam Manager Office,
Sivagangai Samasthanam Devasthanam,
Sivagangai District - 630 563.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the concern Respondents to disburse the Gratuity amount for the petitioners employment in the 3rd Respondent office with interest for the pending period as per the G.O.No.53, dated 27/05/2019, with vide Letter Na.Ka.no.22735/2018/11, dated 31/05/2019, subsequently based on the petitioner's representations on 22/11/2019 and 28/12/2020, within a stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.K.P.Narayana Kumar for R1 & R2
Special Government Pleader
Mr.S.Madhavan for R3

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 Gratuity amount for the petitioners employment in the 3rd Respondent office with interest for the pending period as per the G.O.No.53, dated 27/05/2019, with vide Letter Na.Ka.no.22735/2018/11, dated 31/05/2019, was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 22.11.2019 & 28.12.2020, 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 respondents herein to consider the petitioner's representations dated 22.11.2019 & 28.12.2020, 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 respondents to consider the petitioner's representations dated 22.11.2019 & 28.12.2020, 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 (CS-I)

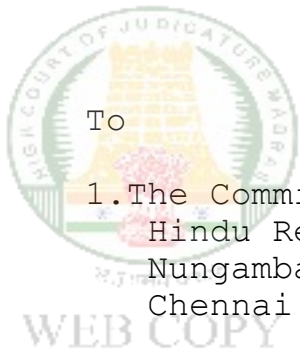
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/ /2021

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

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VB (22.03.2021) 3P 4C