



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

CORAM:

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4356 of 2021

M.Ponnukutty

...Petitioner

Vs.

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

2.The Assistant Director,
Rural Development and Panchayat Raj Department,
District Collector Office Campus,
Ramanathapuram District.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram - 623 503.

4.The Block Development Officer (B.D.O.),
Block Development Office,
Kamuthi Block, Ramanathapuram District.

5.The President,
Perunazhi Village Panchayath Office,
Kamuthi Taluk, Ramanathapuram District.

6.The Secretary,
Perunazhi Village Panchayath Office,
Kamuthi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent Nos.1 to 6 to pay the Lump-sum payment of Rs.50,000/- (Fifty thousand Rupees) and the Special Monthly Pension a sum of Rs.2,000/- for every month from the dated of retirement i.e.31/12/2020 to the petitioner based on the Government Order in G.O.Ms.No.348 (Finance (Pay Cell) Department), dated 28/11/2017, within a stipulated time that may be fixed by this Court.



For Petitioner : Mr.R.Karunanithi

For Respondents : Mr.P.Mahendran for R1 to R3
Additional Government Pleader

Mrs.M.Rajeswari for R4 & R5
Government Advocate

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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 the Lump-sum payment of Rs.50,000/-(Fifty thousand Rupees) and the Special Monthly Pension a sum of Rs.2,000/- for every month from the date of retirement i.e.31/12/2020 to the petitioner based on the Government Order in G.O.Ms.No.348 (Finance (Pay Cell) Department), dated 28/11/2017, was not considered, the Writ Petition has been filed. According to the petitioner, he has made representation in this regard on 27.01.2021, 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.The learned Government Advocate appearing for the respondents 2 and 3 would submit that as per the Government Letter No.22043/E.5/2018-3, dated 26.02.2021, the petitioner may be entitled for the claim made provided the petitioner comes under time scale of pay.

5. In the light of the above observations, it would be appropriate to direct the respondents 1 to 4 herein to consider the petitioner's representation dated 27.01.2021, 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.



6. Accordingly, there shall be a direction to the respondents 1 to 4 to consider the petitioner's representation, dated 27.01.2021, in the light of the Government Letter No.22043/E.5/2018-3, dated 26.02.2021, 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.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

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 Director,
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Chennai - 600 015.
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3. The District Collector,
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Ramanathapuram - 623 503.
4. The Block Development Officer (B.D.O.),
Block Development Office,
Kamuthi Block, Ramanathapuram District.



+1 CC to MR.R.KARUNANIDHI, Advocate (SR-8539[F] dated 03/03/2021)

+1 CC to SPL GP (SR-8686[F] dated 04/03/2021)

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