



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4907 of 2021

WEB COPY

P.Bangarusamy

...Petitioner

Vs.

- 1.The Accountant General,
No.259, Anna Salai, Block - 3, 2nd Floor, DMS Complex,
Teynampet, Chennai - 600 006.
- 2.The President of Governing Council/
The Commissioner of Hindu Religious and Charitable Endowments
Department,
Sri Arulmigu Palani Andavar College of Arts and Culture,
119, Uthamar Gandhi Road,
Nungambakkam, Chennai.
- 3.The Director of Collegiate Education,
O/o. Directorate of Collegiate Education,
Chennai.
- 4.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.
- 5.The Secretary/Assistant Commissioner,
Sri Arulmigu Palani Andavar College of Arts and Culture,
Dindigul Road, Palani.
- 6.The Principal,
Sri Arulmigu Palani Andavar College of Arts and Culture,
Dindigul Road, Palani.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the Petitioner's retirement benefits namely Gratuity, Pension, Arrears of Pension, Commutation, Earned Leave, Special Provident Fund from the date of his retirement i.e. 31.05.2018 till date of disbursing the same to the Petitioner, by considering his representations, dated 11.08.2019 and 22.02.2021, within in time stipulated by this Court.



For Petitioner : Mr.J.Lawrance

For Respondents : Mr.P.Gunasekaran for R1

Mr.K.P.Narayanakumar for R2
Special Government Pleader

Mr.P.Mahendran for R3 & R4
Additional Government Pleader

Mr.V.R.Shanmuga Nathan for R5 & R6
Standing Counsel

ORDER

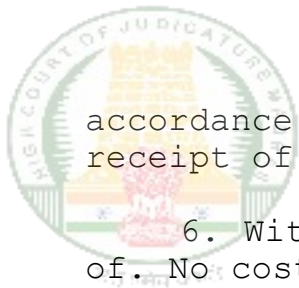
By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.Since the petitioner's request to the respondents to disburse the Petitioner's retirement benefits namely Gratuity, Pension, Arrears of Pension, Commutation, Earned Leave, Special Provident Fund from the date of his retirement i.e. 31.05.2018 till date of disbursing the same to the Petitioner, was not considered, the Writ Petition has been filed. According to the petitioner, he has made representations in this regard on 11.08.2019 & 22.02.2021, 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.

4. In the light of the above observations, it would be appropriate to direct the respondents 2, 5 & 6 herein to consider the petitioner's representations dated 11.08.2019 & 22.02.2021, 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 respondents 2, 5 & 6 to consider the petitioner's representations dated 11.08.2019 & 22.02.2021, 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.

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Sd/-

Assistant Registrar(CS-II)

// 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 Accountant General,
No.259, Anna Salai, Block - 3, 2nd Floor, DMS Complex,
Teynampet, Chennai - 600 006.

2.The Director of Collegiate Education,
O/o. Directorate of Collegiate Education,
Chennai.

3.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

+1 CC to M/s.SPL GP (SR-10132 & 10192[F] dated 10/03/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-9752[F] dated 10/03/2021)

W.P. (MD) No.4907 of 2021

09.03.2021

es (CO)

TR(24.03.2021) 3P 6C