



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5276 of 2021

S.Sivalingam

...Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai, Chennai - 38.

2.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani - 624 601,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent, herein to pass appropriate orders on the proposal submitted by the 2nd respondent in Na.Ka.No.242/2020/B7, dated 07.01.2021 and to pay departmental pension of Rs.2,000/- from 30.06.2018 to 12.07.2020 and to pay the enhanced departmental revised pension of Rs.3,000/- from 13.07.2020, to till date along with 10% interest to the petitioner, within the time limit fixed by this court.

For Petitioner : Mr.S.Manikandan

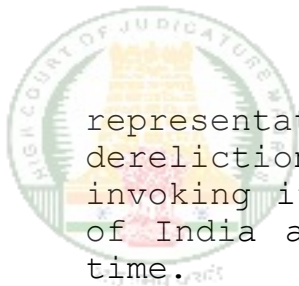
For Respondents : Mr.K.P.Narayanakumar for R1
Special Government Pleader
Mr.V.R.Shanmuga Nathan for R2
Standing Counsel.

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.According to the petitioner, he has made a request to the respondents seeking to pay departmental pension of Rs.2,000/- from 30.06.2018 to 12.07.2020 and to pay the enhanced departmental revised pension of Rs.3,000/- from 13.07.2020, to till date along with 10% interest to the petitioner on 24.12.2020. The second respondent has sent a proposal in this regard in Na.Ka.No.242/2020/B7, on 07.01.2021, but the same was not considered till date. Hence, the present writ petition.

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 first respondent herein to consider the petitioner's representation dated 24.12.2020, in the light of the proposal sent by the second respondent to the first respondent dated 07.01.2021, 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.

5. Accordingly, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 24.12.2020, in the light of the proposal sent by the second respondent to the first respondent dated 07.01.2021, 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 (AE)

// 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 Commissioner,
Hindu Religious and Charitable Endowment Department,
119, Uthamar Gandhi Salai, Chennai - 38.



2.The Executive Officer,
Arulmigu Dhandayuthapani Swamy Temple,
Palani - 624 601,
Dindigul District.

+1 CC to M/s.SPL GP (SR-10893[F] dated 12/03/2021)

W.P. (MD) No.5276 of 2021

11.03.2021

RK(11.05.2021) 3P 4C