



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5201 of 2021

WEB COPY

P.Pushpam

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Chellampatty Panchayat Union,
Usilampatty Taluk,
Madurai District.

3.The Personal Assistant to
District Collector (Noon Meal),
Madurai District.

... 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 monetary benefits and other consequential benefits along with belated payment interest at the rate of 18 percentage p.a. for the period of suspension from 22.08.2011 to 27.02.2014 in terms of Rule 54-9(b) of the Fundamental Rule and also the order of this High Court in CRL.OP.(MD).No.12000/2015, dated 29.06.2015, filed by the petitioner and in the light of the Division Bench Judgment of this Court in W.A.No.1026/2016, dated 06.09.2016.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

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 monetary benefits and other consequential benefits along with belated payment interest at the rate of 18 percentage p.a. for the period of suspension from 22.08.2011 to 27.02.2014 in terms of Rule 54-9(b) of the Fundamental Rule and also the order of this High Court in CRL.OP.(MD).No.12000/2015, dated 29.06.2015, filed by the petitioner and in the light of the Division Bench Judgment of this Court in W.A.No.1026/2016, dated 06.09.2016, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 25.02.2021, 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 herein to consider the petitioner's representation dated 25.02.2021, 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 to consider the petitioner's representation dated 25.02.2021, 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.

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

Sd/-

Assistant Registrar (W)

// 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.*

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To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
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Madurai District.
- 3.The Personal Assistant to
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**W.P. (MD) No.5201 of 2021
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GS(20.04.2021) 3P 4C