



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6050 of 2021

P.Balu

...Petitioner

Vs.

1.The Divisional Mechanical Engineer,
Diesel Shed,
Golden Rock,
Tiruchirappalli-620 004.

2.The Divisional Personnel Officer,
T.R.M.Campus,
Junction,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to disburse the petitioner's provident fund as well as gratuity and other terminal benefits to the petitioner forthwith by considering the petitioner's representation dated 02.12.2020.

For Petitioner : Mr.P.Sivachandran

O R D E R

In view of the limited prayer sought for and since this Court is not adjudicating the emerge of the case, notice to the respondents is dispensed with.

2.Since the petitioner's request to the respondents to disburse his provident fund as well as gratuity and other terminal benefits to him was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 02.12.2020, 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 first respondent to consider the petitioner's representation dated 02.12.2020, 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 first respondent to consider the petitioner's representation dated 02.12.2020, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// 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.

To
The Divisional Mechanical Engineer,
Diesel Shed,
Golden Rock,
Tiruchirappalli-620 004.

W.P. (MD) No.6050 of 2021
18.03.2021

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