



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6182 of 2021

S. Ilamaram

... Petitioner

Vs.

1. The Managing Director,
Madurai District Co-operative Milk Producers Union,
Sivagangai Road,
Madurai - 19.

2. The Controlling Authority under the
payment of Subsistence Allowance Act,
Deputy Commissioner of Labour,
Race Course Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to pay the subsistence allowance based on the petitioner's representation dated 25.01.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Savavanan

For Respondents : Mr.E.Mareeskumar for R1
Standing Counsel
Mr.P.Mahendran for R2
Additional Government Pleader

ORDER

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 subsistence allowance, was not considered, the present writ petition has been filed. According to the petitioner, he has made a representation in this regard on 25.01.2021, 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. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the petitioner's representation dated 25.01.2021, 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. At this juncture, the learned Standing counsel for the respondent No.1 submitted that there is no Managing Director in the respondent's Milk Producer's Union and that the Union is headed by the General Manager.

6. Accordingly, there shall be a direction to the General Manager, Milk Producer's Union, to consider the petitioner's representation dated 25.01.2021, in the light of the orders of the controlling authority, dated 29.08.2017 passed in P.S.A.No.11/2016, on its own merits and pass appropriate orders in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-I)

// 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 Managing Director,
Madurai District Co-operative Milk Producers Union,
Sivagangai Road,
Madurai - 19.



2.The Controlling Authority under the
payment of Subsistence Allowance Act,
Deputy Commissioner of Labour,
Race Course Road,
Madurai.

WEB COPY

+1 CC to M/s.R.SARAVANAN, Advocate (SR-12392[F] dated 19/03/2021)

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