



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6996 of 2021

J.Kousalya

...Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy - 1,
Trichy District.

2.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
District Collector's Office,
Trichy - 1.

3.The Executive Officer,
Musiri Town Panchayat,
Musiri,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing 2 and 3 respondents herein to disburse the retirement benefits as well as pension to petitioner's husband P.Jayaraman, who was working as a public Health Sweeper at 3rd respondent's Panchayat in the light of her representation, dated 06.10.2020, within a stipulated period as may be fixed by this court.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.A.Muthu Karuppan for R1 & R2
Additional Government Pleader
Mr.R.Murugaraj for R3
Government Advocate

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 retirement benefits as well as pension to petitioner's husband P.Jayaraman, who was working as a public Health Sweeper at 3rd respondent's Panchayat, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 06.10.2020, 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 herein to consider the petitioner's representation dated 06.10.2020, 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 06.10.2020, on its own merits and pass appropriate orders in accordance with law, within a period of six 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 (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 District Collector,
District Collector's Office,
Trichy - 1,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Assistant Director of Town Panchayats,
Office of the Assistant Director of Town Panchayats,
District Collector's Office,
Trichy - 1.

3.The Executive Officer,
Musiri Town Panchayat,
Musiri,
Trichy District.

+1 CC to M/s.SPL GP (SR-14365[F] dated 30/03/2021)

W.P.(MD) No.6996 of 2021
29.03.2021

RK (23.04.2021) 3P 5C