



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.7039 of 2021

R.Karupiah

...Petitioner

Vs.

1.The University Grants Commission,  
Bahadar Shah Zafar Marg,  
New Delhi - 110 002.

2.The Vice-Chancellor,  
Madurai Kamarajar University,  
Palakalai Nagar,  
Madurai District,  
Tamil Nadu - 605 021.

3.The Registrar,  
Madurai Kamarajar University,  
Palkalai Nagar,  
Madurai District,  
Tamil Nadu - 605 021.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 19.12.2020 and direct them to disburse the actual pension amount of the petitioner, which includes the dearness allowances leave salary etc., and other benefits within the time framed by this Court.

For Petitioner : Mr.N.Murugesan  
For Respondents : Mr.K.Ragatheeshkumar  
for M/s.Isaac Chambers for R2 and R3  
Standing Counsel

### **O R D E R**

By consent of all the parties, this writ petition is taken up for final disposal at the stage of admission itself. Considering the facts and circumstances of the case, notice to the first respondent is dispensed with.

2.Since the petitioner's request to the respondents to disburse the actual pension amount of the petitioner, which includes the dearness allowances leave salary etc., and other benefits, was not considered, the present writ petition has been filed. According to the petitioner, he has also made a representation on 19.12.2020, in this regard, 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 third respondents herein to consider the petitioner's representation dated 19.12.2020, 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 third respondent to consider the petitioner's representation dated 19.12.2020, 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. While considering such representation, the third respondent shall extend due opportunity of personal hearing to the petitioner to make his objections.

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

Sd/-

Assistant Registrar (CS - II)

// 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.

+1 CC to M/s.N.MURUGESAN, Advocate ( SR-14131[F] dated 29/03/2021 )  
+1 CC to M/s.ISAAC CHAMBERS, Advocate ( SR-14291[F] dated 30/03/2021 )

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