



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.18715 of 2020

and

W.M.P(MD) No.15639 of 2020

WEB COPY

1.N.Maharaja Pillai.
2.K.Gopalakrishna Pillai
3.S.Velappa Nair

...Petitioners

Vs

The Joint Commissioner /Executive Officer,
Kanyakumari District Thirukovilgal,
Head Office,
Suseendaram,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to continuously pay the petitioners pension till the complete and final disposal of the judicial proceedings pending against the petitioners.

For Petitioners : Mr.N.Sivakumar
For Respondent : Mr.K.Sathiyasingh
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioners' request to the respondent to continuously pay their pension till the complete and final disposal of the judicial proceedings pending against them was not considered, the Writ Petition has been filed. According to the petitioners, they have made the representations in this regard on 14.10.2019 and 09.03.2020, which are 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 respondent herein to consider the petitioners' representations dated 14.10.2019 and 09.03.2020, 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 respondent to consider the petitioners' representations dated 14.10.2019 and 09.03.2020, on its own merits and pass appropriate orders in accordance with law, within a period of two 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Joint Commissioner /Executive Officer,
Kanyakumari District Thirukovilgal,
Head Office,
Suseendaram,
Kanyakumari District.

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-4793[F] dated 12/02/2021)

+1 CC to Mr.N.SIVAKUMAR, Advocate (SR-4703[F] dated 12/02/2021)

Order made in
W.P. (MD) No.18715 of 2020
11.02.2021

VB (22.02.2021) 2P 4C