



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.18165 of 2020

Kandhavel

...Petitioner

Vs

1.Assistant secretary to Government,
Accounts Department,
Chennai.

2.The Account General,
Office of Account General,
No.361, Anna Salai, Chennai-18.

3.The Superintendent of Police,
Theni, Theni District.

4.The Inspector of Police,
Rajadhani Police Station,
Rajadhani, Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to disburse all retired monetary benefits and to grant pension to the petitioner as per the G.O.Ms.No.348 dated 28.11.2017 within a time frame that may be stipulated by this Court by considering the petitioner's representation dated 15.10.2018.

For Petitioner	: Mr.R.Manoharan
For R-1, R-3 and R-4	: Mr.P.Mahendran
	Additional Government Pleader
For R-2	: M/s.K.Mahalakshmi

O R D E R

Since the petitioner's request to the respondents to disburse the retirement benefits and to grant pension to him as per the G.O.Ms.No.348 dated 28.11.2017 were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 15.10.2018, which is still pending.

2. 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.

3. In the light of the above observations, it would be appropriate to direct the respondents 1 and 3 herein to consider the petitioner's representation dated 15.10.2018, within a stipulated time and thereby the ends of justice could be secured.

4. Accordingly, there shall be a direction to the respondents 1 and 3 to consider the petitioner's representation dated 15.10.2018, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CSII)

// 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

1. Assistant secretary to Government,
Accounts Department, Chennai.

2. The Superintendent of Police,
Theni, Theni District.

3. The Inspector of Police,
Rajadhani Police Station, Rajadhani, Theni District.

+1 CC to M/s.R.MANOCHARAN, Advocate (SR-1736[F] dated 21/01/2021)

+1 CC to M/s.SPL GP (SR-1615[F] dated 21/01/2021)

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SVN (CO)

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