



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.19982 of 2020

and W.M.P. (MD).No.16651 of 2020

WEB COPY

Jothi

... Petitioner

Vs.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Director,
Fire Service and Rescue Department,
No.17, Rukmani Lakshmipathi Road,
Elumbur, Chennai - 600 008.

3.The Regional Officer,
Fire Service and Rescue Department,
Thanjavur Region, Thanjavur.

4.The Assistant District Officer,
Fire Service and Rescue Department,
Thanjavur District,
Thanjavur - 623 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the terminal benefits of Late Kannaiyan, who worked as Cleaner in the respondent Department, on account of his demise on 15.08.2016, by considering the representation of the petitioner dated 17.10.2016.

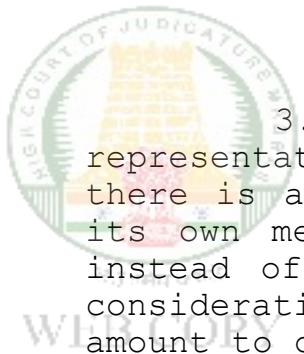
For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

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 to disburse the terminal benefits of Late Kannaiyan, who worked as Cleaner in the respondent Department, on account of his demise on 15.08.2016, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 17.10.2016, 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 respondents herein to consider the petitioner's representation dated 17.10.2016, 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 respondents to consider the petitioner's representation dated 17.10.2016 in the light of the G.O.Ms.No.18, Labour and Employment (Q1) Department, dated 23.01.2020, 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.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

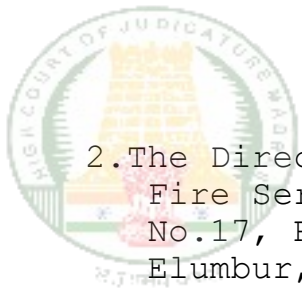
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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Thanjavur District, Thanjavur.

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



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+1 CC to M/s.GP (SR-3097[F] dated 03/02/2021)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-2994[F] dated 03/02/2021)

W.P. (MD) No.19982 of 2020
02.02.2021

(TP) CO
AP(17/02/2021) 3P 7C