



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.11361 of 2022

Deivanayagai

... Petitioner

-Vs-

1.The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District.

2.The Controlling Authority,
Under Payment of Gratuity Act /
Assistant Commissioner of Labour,
No.8, Nehruji Nagar, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents more particularly the 1st respondent to pay a sum of Rs.1,15,678/- with interest at the rate of 10% from 24.09.2021 till the date of payment by considering the written requisition sent by the petitioner on 23.09.2021 within a time frame.

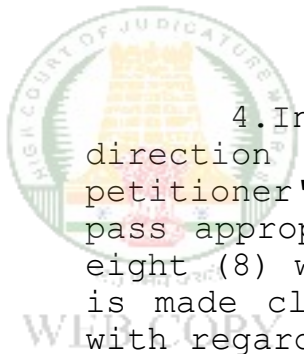
For Petitioner : Mr.D.Venkatesh
For R1 : Mr.R.Murali,
Standing Counsel

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2.The petitioner herein had given a representation to the respondents on 24.09.2021, seeking payment of gratuity for a sum of Rs.1,15,678/- with interest at the rate of 10% from 24.09.2021 till the date of payment. Since the said representation was not considered, the present Writ Petition has been filed.

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, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 23.09.2021 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/06/2022

Sub Assistant Registrar (CS)

Myr

To

1. The Joint Commissioner / Executive Officer,
Arulmigu Dhandayuthapani Swamy Thirukovil,
Palani, Dindigul District.

2. The Controlling Authority,
Under Payment of Gratuity Act /
Assistant Commissioner of Labour,
No.8, Nehruji Nagar, Dindigul.

+1 CC to M/s.D. VENKATESH, Advocate (SR-25425[F] dated 13/06/2022)

W.P. (MD) No.11361 of 2022

10.06.2022

_SS(22/06/2022) 2P 4C