



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.06.2022**

CORAM:

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

W.P. (MD)No.12246 of 2022

R.Periyasamy

... Petitioner

/vs./

1.The Agriculture Production Commissioner and
Secretary to the Government,
St.George Fort, Chennai.

2.The Director of Agriculture,
Chepauk, Chennai - 5.

3.The Joint Director of Agriculture,
Master Plan Complex,
Theni.

... 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 leave salary and special provident fund in the light of judgment made in W.A.No.105 of 2019 dated 31.07.2019 on the file of this Court, based on the representation dated 26.04.2022.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mrs.D.Farjana Ghoushia

Special Government Pleader

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 26.04.2022 seeking for disbursement of the leave salary and special provident fund, in the light of judgment made in W.A.(MD)No.105 of 2019 dated 31.07.2019 on the file of this Court. 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 second respondent herein to consider the petitioner's representation dated 26.04.2022, in the light of judgment made in W.A.(MD)No.105 of 2019 dated 31.07.2019 on the file of this Court and pass appropriate orders on its own merits and 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 (CS III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

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To:

1. The Agriculture Production Commissioner and
Secretary to the Government,
St. George Fort, Chennai.
2. The Director of Agriculture, Chepauk, Chennai - 5.
3. The Joint Director of Agriculture,
Master Plan Complex, Theni.

+1 CC to M/s.SPL.GP (SR-26764[F] dated 20/06/2022)

W.P. (MD) No. 12246 of 2022
17.06.2022

MGJ(28.06.2022) 2P 5C