



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.12198 of 2022

D.Panneerselvam

...Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Block Development Officer,
Bogalur Taluk,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing first respondent i.e., the District Collector, Ramanathapuram to enhance the petitioner's subsistence allowance from the date of expiry of six months of suspension, as per the provisions contained under Rule 53(i) of the Fundamental Rules within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For R-1 : Mr.M.Siddharthan,
Additional Government Pleader.

For R-2 : Mr.D.S.Nedunchezian,
Government Advocate.

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 first respondent on 31.10.2019 seeking for enhancement of subsistence allowance from the date of expiry of six months of suspension, as per the provisions contained under Rule 53(i) of the Fundamental Rules. 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 31.10.2019 on its own merits and pass appropriate orders in accordance with law, within a period of six 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(T & P)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Nsr

To

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Block Development Officer,
Bogalur Taluk, Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-26795[F] dated 20/06/2022)

+1 CC to M/s.S. VISVALINGAM, Advocate (SR-27055[F] dated 21/06/2022

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KMV(CO)

TR(01.07.2022) 2P 5C