



WP(MD)No.12148 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM:

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

W.P.(MD)No.12148 of 2022
and
W.M.P.(MD)Nos.8640 & 8641 of 2022

P.Vinobha

... Petitioner

/vs./

1.The Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Chennai – 600 009.

2.The Director of Rural Development & Panchayat Raj,
Office of the Director of Rural Development & Panchayat Raj,
Panagal Building,
Chennai 600 015.

3.The District Collector,
Theni 625 531.

4.The Commissioner / Block Development Officer,
Theni Panchayat Union,
Theni District 625 531.

5.The Assistant Director,
Local Fund Audit,
Theni District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned audit objection of the 5th respondent purported to have been issued in March 2021, quash the same and consequently direct the respondents herein to allow the petitioner to retire from service in the post of Office Assistant on the date of his superannuation on 31.08.2022 with all monetary and service benefits.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.G.Suriyananth

Additional Government Pleader (for R1 to R3 & R5)

No appearance (for R4)

ORDER

This writ petition has been filed for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned audit objection of the 5th respondent purported to have been issued in March 2021, quash the same and consequently direct the respondents herein to allow the petitioner to retire from service in the post of Office Assistant on the date of his superannuation on 31.08.2022 with all monetary and service benefits.



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2. Though the prayer sought for in this writ petition is larger in nature, the learned counsel appearing for the petitioner confines the prayer to consider the petitioner's representation dated 05.12.2019. The learned Additional Government Pleader appearing for the respondents has no serious objection for the same.

3. The petitioner herein had given a representation to the respondents on 05.12.2019 seeking for acceptance of his voluntary retirement application and conduct of an audit enquiry.

4. 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.



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5. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation dated 05.12.2019 on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.

6. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

Sm

Order made in
W.P.(MD)No.12148 of 2022

Dated:
22.07.2022