



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

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

W.P. (MD) No.12278 of 2022

K.Sankaran

... Petitioner

/vs./

1.The Additional Director,
Survey & Land Records Department,
Survey House,
Chepauk, Chennai - 5.

2.The Assistant Director,
Survey & Land Records Department,
Thirunelveli,
Thirunelveli District.

3.The Thasildhar,
O/o.The Thasildhar,
Sengottai Taluk,
Tenkasi District.

... Respondents

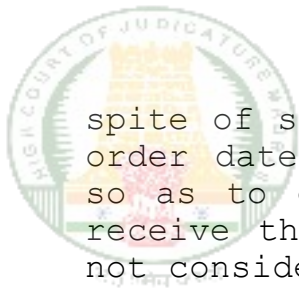
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents No.2 and 3 to consider the petitioner's representation dated 10.01.2022 regarding payment of Medical Leave Salary for the period of 280 days and salary for the period from 16.12.2010 to 31.07.2011 for not permitting the petitioner to join duty in spite of stay granted by this Court in WP (MD) No.14641 of 2010 vide order dated 15.12.2010 and to issue the Last Drawn Pay Certificate so as to enable the petitioner to submit his pension proposal to receive the retirement benefits.

For Petitioner	:	Mr.Mohamed Irman for M/s.Ajmal Associates
For Respondents	:	Mr.M.Siddharthan Additional 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 10.01.2022 seeking payment of Medical Leave Salary for the period of 280 days and salary for the period from 16.12.2010 to 31.07.2011 for not permitting the petitioner to join duty, in



spite of stay granted by this Court in WP(MD)No.14641 of 2010, vide order dated 15.12.2010 and to issue the Last Drawn Pay Certificate so as to enable the petitioner to submit his pension proposal to receive the retirement benefits. Since the said representation was not considered, the present writ petition has been filed.

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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 10.01.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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 II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To:

1. The Additional Director,
Survey & Land Records Department,
Survey House,
Chepauk, Chennai - 5.

2. The Assistant Director,
Survey & Land Records Department,
Thirunelveli,
Thirunelveli District.



3.The Thasildhar,
O/o.The Thasildhar,
Sengottai Taluk,
Tenkasi District.

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+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-26890[F] dated
20/06/2022)

+1 CC to M/s.SPL.GP (SR-26761[F] dated 20/06/2022)

W.P. (MD) No.12278 of 2022

17.06.2022

MGJ(04.07.2022) 3P 6C