



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.12722 of 2022

R.Thirupathi

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Madurai District,
Madurai.

.. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 1st respondent i.e. the Principal Secretary to Government, Revenue and Disaster Management Department, Chennai to instruct the District Collector, Madurai for taking necessary action for disbursement of General Provident Fund Encashment of Leave Salary and Special Provident Fund of the petitioner's own contribution as early as possible within a specified time frame that may fixed by this Court, since the issue is settled by the Honourable Supreme Court and the petitioner has been suffering monetarily and mentally after dismissal from service.

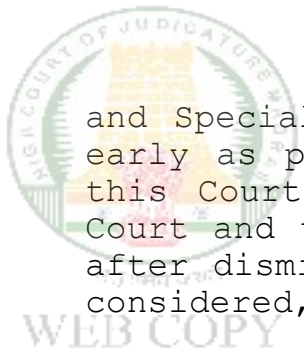
For Petitioner : Mr.S.Visvalingam

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

O R D E R

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 taking necessary action for disbursement of General Provident Fund Encashment of Leave Salary



and Special Provident Fund of the petitioner's own contribution as early as possible within a specified time frame that may fixed by this Court, since the issue is settled by the Honourable Supreme Court and the petitioner has been suffering monetarily and mentally after dismissal from service. 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 26.04.2022 in the light of the order passed in the case of ***G.Antonysamy Vs. The Deputy Director of Survey and Land Records and another*** in ***W.P.(MD).No.23713 of 2019***, dated 23.01.2020, 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 (Protocol)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

TM

To

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009.



2.The Commissioner of Revenue Administration,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Madurai District,
Madurai.

+1 CC to M/s.S. VISVALINGAM, Advocate (SR-27888[F] dated 24/06/2022)

+1 CC to M/s.SPL.GP (SR-27797[F] dated 23/06/2022)

W.P. (MD) No.12722 of 2022

22.06.2022

NSN (CO)

GC (01.07.2022) 3P 6C