



W.P.(MD) No.13746 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.13746 of 2022

K.Karuppiah

... Petitioner

Vs.

1.The Director,
Directorate of Town Panchayat,
City Administrative Office Complex,
Chennai – 600 028.

2.The Assistant Director (Town Panchayat),
Dindigul, Dindigul District.

3.The Executive Officer,
Sevugampatti Town Panchayat,
Badalagundu Taluk,
Dindigul District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 2 and 3 to take appropriate action on the proposal forwarded by the 1st respondent in O.Mu.No.9767/2017/A4, dated 11.02.2022 and to calculate the service period of the petitioner with effect from 16.12.1989 and to disburse all the pensionary



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benefits to the petitioner, within a stipulated period as framed by this Court.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.M.Siddharthan for R1 and R2
Additional Government Pleader

Mr.G.V.Vairam Santhosh for R3
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 respondents on 10.05.2019 seeking to calculate the service period of the petitioner with effect from 16.12.1989 and to disburse all the pensionary benefits to the petitioner. In this regard, a proposal has been sent by the first respondent to the respondents 2 and 3 in O.Mu.No.9767/2017/A4, dated 11.02.2022, along with the petitioner's representation. 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



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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 respondents 2 and 3 herein to consider the petitioner's representation dated 10.05.2019 in the light of the proposal sent by the first respondent, dated 11.02.2022, 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.



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Index : Yes / No
Speaking Order/ Non Speaking Order
TM

To

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M.S.RAMESH,J.

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