



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2022**

CORAM:

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

W.P. (MD)No.13401 of 2022

S.Yakub Khan

... Petitioner

/vs./

The Corporation of Madurai,
Represented by the Commissioner,
Tallakulam,
Madurai-02.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to pay the gratuity with the interest to the petitioner from the date of his retirement on 30.04.2019 as per the G.O.Ms.No.173, dated 01.04.2004 and by considering the representation, dated 02.05.2022 given by the petitioner to the respondent to pay the gratuity amount with interest to the petitioner in accordance with law, within the time stipulated by this Court.

For Petitioner	:	Mr.R.Alagumani
For Respondent	:	Mr.K.K.Kannan
		Standing Counsel

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 respondent on 02.05.2022 seeking to pay the gratuity with the interest to the petitioner from the date of his retirement on 30.04.2019 as per the G.O.Ms.No.173, dated 01.04.2004. 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 respondent to consider the petitioner's representation dated 02.05.2022 on its own merits 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 (CS III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

btr

To

The Commissioner,
The Corporation of Madurai,
Tallakulam,
Madurai-02.

+1 CC to M/s.K.K. KANNAN, Advocate (SR-28646[F] dated 29/06/2022)

Order made in
W.P.(MD)No.13401 of 2022

Dated:
28.06.2022

= SS/05/07/2022/ 2P 3C