



W.P.(MD).No.13462 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.13462 of 2022

K.Sakthivel

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005.

2.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.

3.The Deputy Director of Local Fund Audit,
Thoothukudi City Municipal Corporation Campus,
Thoothukudi,
Thoothukudi District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 to provide the arrears of interest for the subscription amount deducted from the salary of the petitioner towards the General Provident Fund while in service along with Dearness Allowance Arrears and Vth Pay Commission Arrears and Revised Pay Commission Arrears within the time stipulated by this Court.



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For Petitioner : Mr.S.Louis
For R-1 and R-3 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.
For R-2 : Mr.N.Anandakumar,
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 second respondent on 24.04.2021 seeking for payment of arrears of interest for the subscription amount deducted from the salary of the petitioner towards the General Provident Fund while in service along with Dearness Allowance Arrears and the Vth Pay Commission Arrears and Revised Pay Commission Arrears. 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



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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 second respondent herein to consider the petitioner's representation dated 24.04.2021 on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) 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. There shall be no order as to costs.

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Index : Yes / No
Internet : Yes/ No
Lm/Nsr



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M.S.RAMESH, J.

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