



WP(MD)No.16812 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2022**

CORAM:

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

W.P.(MD)No.16812 of 2022

S.M.Rajendran

... Petitioner

/vs./

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent to release the retirement benefits of the petitioner including, earned leave, non earned leave as well as Special Provident Fund amount with interest @ 12% till the date of disbursement by considering the petitioner's representation, dated 02.06.2022.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : Mr.S.Vinayak

Standing Counsel



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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 02.06.2022 seeking for release of his retirement benefits, including, earned leave, non earned leave as well as Special Provident Fund amount with interest at the rate of 12% till the date of disbursement. 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.



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4.In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 02.06.2022 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.

29.07.2022

Index : Yes / No
Internet : Yes / No
sji/sm

TO:

The Commissioner,
Madurai Corporation,
Madurai.



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M.S.RAMESH, J.

sjj/sm

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