



WP(MD)No.18457 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.08.2022

CORAM:

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

W.P.(MD)No.18457 of 2022

T.Pandi Durai

... Petitioner

/vs./

1.The Principal Secretary to Government,
Highways and Minor Ports (HL1) Department,
Secretariat, Chennai 600 009.

2.The Superintending Engineer,
Highways, Project Circle,
Thanjavur 613 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Highways and Minor Ports (HL1) Department, Chennai to disburse the encashment of leave salary and special provident fund to the petitioner as already ordered by the Superintending Engineer, Highways, Project Circle, Thanjavur in his proceedings No.834/2022/A1, dated 21.07.2022 within a specified time stipulated by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.S.Gladson Micheal Rajadurai
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 respondents on 06.06.2022 seeking to disburse the encashment of leave salary and special provident fund. 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 first respondent herein to consider the petitioner's representation dated 06.06.2022 in the light of the recommendation made by the second respondent in his proceedings No.834/2022/A1, dated 21.07.2022 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.

5.With the above direction, the Writ Petition stands disposed of. No costs.

16.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To

1.The Principal Secretary to Government,
Highways and Minor Ports (HL1) Department,
Secretariat, Chennai 600 009.

2.The Superintending Engineer,
Highways, Project Circle,
Thanjavur 613 001.



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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD) No.18457 of 2022

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