



W.P.(MD).No.18884 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.18884 of 2022

P.Thangavelu

... Petitioner

Vs.

The Revenue Divisional Officer,
Dindigul Division,
Dindigul.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent i.e., the Revenue Divisional Officer, Dindigul to enhance the petitioner's subsistence allowance on the expiry of six months from the date of expiry of six months of suspension, as per the provisions contained under Rule 53(i) of the Fundamental Rules within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.M.Siddharthan,
Additional Government Pleader.



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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 06.07.2022 seeking for enhancement of subsistence allowance under Rule 53(i) of the Fundamental Rules. 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 respondent 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 06.07.2022, in the light of Rule 53(i) of the Fundamental Rules, on its own merits and pass appropriate orders in accordance with law, within a period of fifteen (15) days 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.

18.08.2022

Index : Yes / No
Internet : Yes/ No
Lm/btr

To

The Revenue Divisional Officer,
Dindigul Division,
Dindigul.



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M.S.RAMESH, J.

Lm/btr

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