



W.P.(MD) No.18701 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.18701 of 2022

T.Jeyaraman

... Petitioner

Vs.

**The Commissioner,
Madurai Corporation,
Madurai.**

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent to pay the 75% of the wages as subsistence allowance after completion of 3 months period from 10.07.2021 and 100% of the wages on completion of 6 months from the date of suspension i.e., with effect from 10.01.2022 as per Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981.

For Petitioner : Mr.V.Panneer Selvam

**For Respondents : Mr.S.Devasena
Standing Counsel**



W.P.(MD) No.18701 of 2022

WEB COPY

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given representations to the respondents on 19.01.2022 & 25.07.2022 seeking to pay the 75% of the wages as subsistence allowance after completion of 3 months period from 10.07.2021 and 100% of the wages on completion of 6 months from the date of suspension i.e., with effect from 10.01.2022 as per Section 3 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981. 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



W.P.(MD) No.18701 of 2022

WEB COPY 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 respondents herein to consider the petitioner's representations dated 19.01.2022 & 25.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.

17.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

TM



WEB COPY



W.P.(MD) No.18701 of 2022

M.S.RAMESH,J.

TM

W.P.(MD) No.18701 of 2022

17.08.2022