



W.P.(MD) No.20318 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.20318 of 2022

Henry Jones

... Petitioner

Vs.

Corporation of Madurai,
Rep by the Commissioner,
Madurai Corporation,
Tallakulam,
Madurai-02.

... Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondent to pay the gratuity with the interest to the petitioner from the date of his retirement on 31.03.2021 as per the G.O.Ms.No.173 dated 01.04.2004 and by considering the representation dated 05.10.2021 given by the petitioner to the respondent to pay the gratuity amount with interest and encashment to the petitioner in accordance with law, within the time stipulated by this Court.



W.P.(MD) No.20318 of 2022

WEB COPY

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.S.Devasena
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 representations to the respondent on 05.10.2021 and 23.08.2022 seeking to pay the gratuity amount with interest and encashment to him. Since the said representations were 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



W.P.(MD) No.20318 of 2022

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 respondent herein to consider the petitioner's representations dated 05.10.2021 and 23.08.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) months 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 petitioners 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.

30.08.2022

Index : Yes / No
Speaking Order/ Non Speaking Order

cp

3/4



WEB COPY



W.P.(MD) No.20318 of 2022

M.S.RAMESH,J.

cp

W.P.(MD) No.20318 of 2022

30.08.2022