



WP(MD)No.20578 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2022**

CORAM:

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

W.P.(MD)No.20578 of 2022

S.Mariappan

... Petitioner

/vs./

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Inquiry Officer,
Special Tahsildar,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to pay subsistence allowance to the petitioner calculating the arrears right from the order of suspension dated 05.08.2021 to till date with interest following section 3 of Tamil Nadu payment of Subsistence Allowance Act 1981 and rule 53 of Tamil Nadu Government Fundamental Rules.



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For Petitioner : Mr.S.Mohamed Mohideen

For Respondents : Mr.A.Sivanupandian

Government Advocate

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 12.08.2022 seeking for payment of arrears of salary and subsistence allowance. 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



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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 second respondent herein to consider the petitioner's representation dated 12.08.2022 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.

01.09.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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