



WP(MD)No.20640 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.20640 of 2022

S.Syed Mustafa (Retired)

... Petitioner

-Vs-

The Director of Town and Country Planning,
Office of the Director of Town and Country Planning,
Koyambedu, Chennai-107.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to disburse the enhancement of Earned Leave and Unearned Leave on private affairs salary, Death Cum Retirement Gratuity, Special Provident Fund and Provisional Pension by considering the petitioner's representation dated 23.08.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar,
For M/s.Ajmal Associates.
For Respondent : Mr.A.Sivanupandian,
Government Advocate.



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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 23.08.2022, to disburse the enhancement of Earned Leave and Unearned Leave on private affairs salary, Death Cum Retirement Gratuity, Special Provident Fund and Provisional Pension. 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 respondent herein to consider the petitioner's representation dated 23.08.2022, on its own merits 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.

02.09.2022

Index : Yes / No

Internet : Yes / No

Myr / Rmk

TO:

The Director of Town and Country Planning,
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Koyambedu, Chennai-107.

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M.S.RAMESH, J.

Myr / Rmk

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