



W.P.No.15387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.15387 of 2023

K.V.Shyamala

...Petitioner

Vs

1.The Principal Accountant General,
(Accounts & Entitlement) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

2.The Block Development Officer,
Sarkarsamakulam Circle,
Coimbatore - 641 107.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 11.02.2023 by counting the services rendered as a part time writer in the Panchayat Union Office, Vellamadi, Coimbatore (i.e.) 01.09.1965 to 28.12.1990 for the period of 23 years, 3 months, 27 days along with regular service from 28.12.1990 to 31.07.2004 (i.e.) till attained superannuation, in the light of judgment passed in W.A.No.991 of 2021, dated 29.04.2021, by the Hon'ble Division Bench.



W.P.No.15387 of 2023

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For Petitioner : Mr.Ma.P.Thangavel
For R1 : Mr.S.Rajesh,
Government Advocate
For R2 : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein had given a representation to the respondents on 11.02.2023 seeking for disbursement of his retirement benefits. The said representation has not been considered by the respondents till date and hence, the petitioner has preferred the present Writ Petition.

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 him 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,



W.P.No.15387 of 2023

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 the Constitution of the 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 to consider the petitioner's representation dated 11.02.2023 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 made by 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.

02.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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W.P.No.15387 of 2023

M.S.RAMESH,J.

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To

- 1.The Principal Accountant General,
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W.P.No.15387 of 2023

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