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W.P.No.18457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18457 of 2023

A. Fathima Sherfounnisa

... Petitioner

Vs.

- 1.The Secretary,
Ministry of Home Affairs,
New Delhi.
- 2.The Union Territory of Puducherry,
Rep. by its Chief Secretary,
Chief Secretariat,
Puducherry.
- 3.The Secretary,
Finance Department, Chief Secretariat,
The Union Territory of Puducherry, Puducherry.
- 4.M/s. Puducherry Agro Service and
Industries Corporation Limited,
Agro House, Thattanchavady,
Puducherry – 605 009,
Rep. by
The Secretary to Government (Agriculture)-cum-Chairman,
PASIC, Office of Chief Secretariat,
Puducherry.



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5. The Managing Director,
M/s. Puducherry Agro Service
and Industries Corporation Limited,
Agro House, Thattanchavady,
Puducherry – 605 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to pay out the salary and other related allowances to the petitioner, including 40% of arrears in the 6th Pay Commission by disbursing grant-in-aid or in alternative, may direct the respondents 1 to 5 to dispose of the properties/lands owned by the PASIC/4th and 5th respondents within a specified period and may settle the mentioned arrears in full with interest 12% per annum on the amount due and payable to the petitioner within a specified period.

For Petitioner : M/s.M. Malaviya

For R5 : Mr.S. Raveekumar,
Government Pleader

R1 to R4 : Given up

ORDER

The petitioner herein has given a representation to the fifth respondent on 21.03.2023, seeking to release her pending salaries under



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the 6th CPC along with arrears of salary. Since the said representation was not considered, the present Writ Petition has been filed.

2. It is seen that the fifth respondent is an independent party and the representation given to them requires to be considered by them alone and therefore, the respondents 1 to 4 are unnecessary parties. The petitioner has also given up the respondents 1 to 4 and an endorsement is also made to that effect.

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 fifth respondent herein, to consider the petitioner's representation dated 21.03.2023, 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 fifth respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs.

23.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

The Managing Director,
M/s. Puducherry Agro Service
and Industries Corporation Limited,
Agro House, Thattanchavady,
Puducherry – 605 009.



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M.S.RAMESH,J.

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