



WEB COPY



W.P.No.14792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14792 of 2023

Vembu

...Petitioner

Vs

1.The Union of India,
Represented by the Chief Secretary,
Government of Pondicherry,
Pondicherry.

2.The Managing Director,
Puducherry Agro Service and
Industries Corporation Limited,
Agro House, Thatanchavady,
Puducherry.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to disburse the arrears of salary along with all terminal benefits, which are entitled to be received by the petitioner's husband late Shanmugam, considering the petitioner representation dated 07.09.2022.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.Jaikumaran

Additional Government Pleader



W.P.No.14792 of 2023

WEB COPY

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 second respondent on 07.09.2022 seeking for disbursement of arrears of salary together with all other terminal benefits. The said representation has not been considered 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, 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.



W.P.No.14792 of 2023

WEB COPY

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 07.09.2022 on its own merits and pass appropriate orders in accordance with law, within a period of six 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.

01.06.2023

Index: Yes/No

Speaking order/Non-speaking order

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WEB COPY



W.P.No.14792 of 2023

M.S.RAMESH,J.

hvk

To

- 1.The Chief Secretary,
Union of India,
Government of Pondicherry,
Pondicherry.
- 2.The Managing Director,
Puducherry Agro Service and
Industries Corporation Limited,
Agro House, Thatanchavady,
Puducherry.

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