



W.P.No.18254 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18254 of 2023

K.Loganathan

...Petitioner

Vs.

The Commissioner,
Food Safety & Drug Administration
Department,
359, 5th Floor, DMS Compound,
Anna Salai, Chennai - 6.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to sanction the subsistence allowance @ 75% per month from April 2022 onwards in the light of the representation made by the petitioner dated 18.01.2023 within a reasonable time frame.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.S.Prabhakaran,
Government Advocate



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ORDER

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

2. The petitioner seeks a direction to the respondent to sanction the subsistence allowance @ 75% per month from April, 2022. In this regard, the petitioner had also given a representation dated 18.01.2023 to the respondent. Since the same has not yet been considered, the 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 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 India and direct him 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 18.01.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four 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 respondent to consider the same on its own merits.

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

No costs.

22.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

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Note: Issue Order Copy on 18.07.2023

To

The Commissioner,
Food Safety & Drug Administration Department,
359, 5th Floor, DMS Compound,
Anna Salai, Chennai - 6.



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M.S.RAMESH,J.

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