



WEB COPY



W.P.No.31419 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.31419 of 2023

M.Ramamurthi

...Petitioner

-Vs-

1. The Commissioner,
Milk Production and Dairy Development
Madhavaram Milk Colony, Aavin Illam,
Chennai 600 051.
2. The Secretary to Government,
Animal Husbandry Dairying and Fisheries
Department, Fort St. George,
Chennai 600 009.
3. The General Manager,
Dharmapuri District Co-operative
Milk Producers Union,
Krishnagiri.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 3rd respondent to consider and pass orders on the petitioner's representation dated 15.06.2022 for disbursement of amount of Unearned Leaves on Private Affairs encashment in pursuance of the proceedings/order in R.C.No.6041/N3/2018 dated 20.09.2018 of the 1st



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respondent.

For Petitioner : Mr.R.Rajasekaran

For Respondent : Mr.V.Manoharan
Addl. Govt. Pleader
For R.2 and R.3

ORDER

Heard Mr.R.Rajasekaran, learned counsel for the petitioner and Mr.V.Manoharan, learned Additional Government Pleader for the respondents 2 and 3 and Mr.N.Rajinikanth. With the consent of both sides, the main writ petition has been taken up for final disposal.

2. The petitioner herein has given a representation to the respondents on 15.06.2022 seeking for a direction to disburse the amount of unearned Leave on Private Affairs in pursuance of the proceedings/order in R.C.No.6041/N3/2018 dated 20.09.2018 of the 1st respondent. 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 respondent to consider



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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.

4. In the light of the above observations, there shall be a direction to the respondents to consider the representation of the petitioner dated 15.06.2022 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 of the petitioner and that it is open to the respondents to consider the same on its own merits.

5. With the above direction, the writ petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
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M.S.RAMESH,J.

SR

To

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