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W.P.No.31897 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.31897 of 2023

K.P.Shanthi

... Petitioner

Vs.

The Commissioner
Salem Corporation
Salem 636 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to forthwith settle the retirement benefits such as Gratuity, Earned Leave Salary, Special Duty Leave Salary etc., to the petitioner herein by considering the representations dated 02.09.2023 and 22.09.2023.

For Petitioner : Mr.A.Bharathi

For Respondents : Mrs.N.Devi, Standing Counsel

ORDER

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



W.P.No.31897 of 2023

WEB COPY

2. The petitioner herein has given representations to the respondent on 02.09.2023 and 22.09.2023, seeking for settlement of her retirement benefits. Since the said representation has not been considered till date, 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 them 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.

4. In the light of the above observations, there shall be a direction to the first respondent herein, to consider the petitioner's representations dated 02.09.2023 and 22.09.2023, 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



W.P.No.31897 of 2023

WEB COPY

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.

08.11.2023

Index:Yes/No
Speaking order/Non-speaking order

1/2

KST

To

The Commissioner
Salem Corporation
Salem 636 001.



WEB COPY



W.P.No.31897 of 2023

M.S.RAMESH, J.

KST

W.P.No.31897 of 2023

08.11.2023