



W.P.No.32011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32011 of 2023

Dr.S. Manivasakan

... Petitioner

Vs.

1.The Registrar,
University of Madras,
Chepauk,
Chennai – 600 005.

2.Principal Secretary to Government,
Convener, Syndicate – Committee,
University of Madras,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to release the petitioner's retirement and pension benefits with interest for the delayed payment, by considering the petitioner's



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representation dated 20.12.2022, in light of the Audit certificate dated 13.02.2023, by Deputy Director Local Fund Audit, University of Madras within a reasonable time prescribed by this Court.

For Petitioner : Mr.R.S. Anandan

For Respondents : Mr.V. Manoharan,
Additional Government Pleader [R2]

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the second respondent.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the first respondent and hence, notice to the first respondent is dispensed with.

3. The petitioner herein has given a representation to the first respondent on 20.12.2022, seeking to release his pension without further delay. Since the said representation has not been considered till



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date, the present Writ Petition has been filed.

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4. 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein, to consider the petitioner's representation dated 20.12.2022, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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 concerned



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respondent to consider the same on its own merits.

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

No costs.

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Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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- 1.The Managing Director,
1.The Registrar,
University of Madras,
Chepauk,
Chennai – 600 005.
- 2.Principal Secretary to Government,
Convener, Syndicate – Committee,
University of Madras,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.



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M.S.RAMESH,J.

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