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W.P.No.33114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33114 of 2023

J. Masilamani

... Petitioner

Vs.

- 1.The Secretary to Government,
Social Welfare and Women Empowerment Department,
Secretariat, Fort St. George, Chennai – 9.
- 2.The Principal Accountant General,
(Accounts & Entitlement),
Teynampet, Chennai – 18.
- 3.The Under Secretary, (OP Bills),
Social Welfare and Women Empowerment Department,
Secretariat, Fort St. George, Chennai – 9.
- 4.The Pay & Accounts Officer,
Secretariat, Fort St. George,
Chennai.
- 5.The Sub Treasury Officer,
Alanthur Sub Treasury Office,
Pallavaram,
Chennai.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to issue No Objection Certificate for the disbursement of Death Cum Retirement Gratuity and pension sanctioned to the petitioner based on the authorizations of the Accountant General (A&E), Chennai – 18 in No.P01/10123046/1/PPO No.R0123046 dated 17/09/2021 and No.P01/10123046/1/PPO No.R0123046/SEC dated 17/09/2021 and further direct the 3rd & 4th respondents to draw and disburse the DCRG and pension within a reasonable time.

For Petitioner : Mr.K. Venkataramani,
Senior Counsel
for Mr.M. Muthappan

For R1, R3 & R5 : Mr.P. Ganesan,
Government Advocate

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondents 1, 3 & 5.

2. In view of the order to be passed in this Writ Petition, no prejudice will be caused to the respondents 2 and 4. Hence, notice to the respondents 2 and 4, is hereby dispensed with.



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3. The petitioner herein has given several representations to the respondents including his last representation dated 30.06.2023, seeking for issuance of No Objection Certificate for the disbursement of Death Cum Retirement Gratuity and pension sanctioned to him based on the authorizations of the Accountant General (A&E) and to draw and disburse the DCRG. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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.



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5. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 30.06.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) 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 respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.
No costs.

24.11.2023

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

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To

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M.S.RAMESH,J.

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