



W.P.No.33807 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33807 of 2023

R.V.Venkatachalam

... 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,
Krishnagiri District Co-operative Milk
Producers Union, Krishnagiri 635001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 19.07.2022 for disbursement of amount of Unearned Leave on Private Affairs encashment in pursuance of the proceedings/order in R.C.No.6041/N3/2018 dated 20.09.2018 of the 1st respondent.

For Petitioner : Mr.R.Rajasekaran



WEB COPY



W.P.No.33807 of 2023

For Respondents : Mr. M.Bindran
Addl. Govt. Pleader
* * * * *

ORDER

Heard Mr.R.Rajasekaran, learned counsel for the petitioner and Mr.M.Bindran, learned Additional Government Pleader for the respondents and by consent of both sides, the main writ petition is taken up for final disposal.

2. The petitioner has made a representation on 19.07.2022 to the third respondent for disbursement of amount of Unearned Leave of Private Affairs based on the order dated 20.09.2018 of the 1st respondent.

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 respondents 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.



W.P.No.33807 of 2023

WEB COPY

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the representation of the petitioner dated 19.07.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight 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 stands disposed of. No costs.

05.12.2023

Index:Yes/No

Speaking order/Non-speaking order

sra

To

1.The Additional Chief Secretary,
Animal and Dairy Development Department,
Fort Saint George, Secretariat,
Chennai 600 009.

2. The Commissioner (Dairy Development),
Milk Production and Dairy Farming and
Development Department, Aavin House,
Chennai – 51.



WEB COPY



W.P.No.33807 of 2023

M.S.RAMESH,J.,

(sra)

3. The Deputy Registrar (Milk Fertility),
Vellore-114.
4. The Senior Research/Secretary,
Sholinghur Milk Development Co-operative
Society Ltd. (C1706), Sholinghur,
Ranipet District 631102.

W.P.No.33807 of 2023

05.12.2023